Department of Justice Canada
Ministère de la Justice Canada

ALTERNATIVES TO INCARCERATION / SENTENCING OPTION PROGRAMMES: WHAT ARE THE ALTERNATIVES?

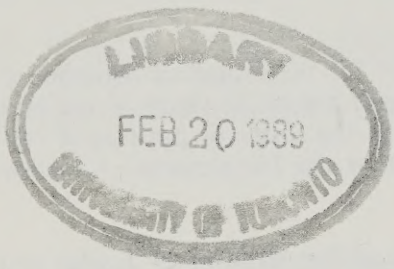
Research Reports of the Canadian Sentencing Commission

Canada

Research and Development Directorate
Policy, Programs and Research Branch

Direction générale de la recherche et du développement
Direction de la politique, des programmes et de la recherche

ALTERNATIVES TO INCARCERATION / SENTENCING OPTION PROGRAMMES: WHAT ARE THE ALTERNATIVES?



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Simon Fraser University
1988

This report was written for the Canadian Sentencing Commission. The views expressed here are solely those of the authors and do not necessarily represent the views or policies of the Canadian Sentencing Commission or the Department of Justice Canada.

Published by authority of the Minister of Justice and Attorney General of Canada

For additional copies, please write or call
Communications and Public Affairs
Department of Justice Canada
Ottawa, Ontario
K1A 0H8

(613) 957-4222

Catalogue No. J23-3/5-1988E
ISBN 0-662-15867-9
ISSN 0836-1797

Également disponible en français

Printed in Canada

JUS-P-437

ACKNOWLEDGEMENTS

In addition to those thanked for the first report on alternatives, we would like to acknowledge individuals in the criminal justice system in each of the selected provinces for their willingness to cooperate in being interviewed for the indepth examination of the programmes. Judges, police officers and administrators, Crown attorneys, defence lawyers, community agency workers or directors and corrections representatives provided their opinion and perspective on alternatives' perceived purpose, functioning and future directions. The Deputy Ministers or Directors of most of the correctional jurisdictions should be thanked again, as well, for responding to our questionnaire.

Mrs. Aileen Sams must be acknowledged for her continuing good humour, willingness and patience to endure the countless demands on her abilities. The two research associates, Ms. Elizabeth Szockyj and Mr. David Williams provided the collegial advice and dialogue, knowledgeable efforts and dedication which assured the success of the research. Finally, our two assistants, Mr. Albert Yamamoto, who was especially valued for his help, and Ms. Janet Humphrey, were consistently willing to assist the research team with their energies.

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ALTERNATIVES TO INCARCERATION/SENTENCING OPTION PROGRAMMES: WHAT ARE THE ALTERNATIVES?

Introduction

A number of emerging issues were outlined in the conclusions to the first report to the Canadian Sentencing Commission on Alternative Programmes which form the basis for the more indepth analysis of the present report. These were in brief:

1. There appears to be a trend toward the convergence of the alternatives and to confusing combinations, e.g., CSO's with fine option, with a probation order or without, intermittent release under control of the judiciary, TAP release under corrections.

2. A table of equivalences for the various sanctions needs to be evolved if equity concerns are to be met, i.e., a cohesive set of tariffs specifying how many dollars in a fine equals how many days in jail equals how many hours in a community service programme. Availability of programmes needs to be taken into account for the equity reasons. The punitive possibilities of the alternatives would also need to be explored in more depth if considering a table of equivalences.

3. The determination of authority over and administration of the alternatives is reflective of the inherent tensions between the judiciary and corrections.

4. Perceptions and attitudes toward alternatives on the part of the public, judiciary and corrections affects their operation; if the alternatives are viewed as lenient dispositions, for example, they cannot realistically serve as true alternatives to incarceration.

5. Following from this, the question is raised as to whose opinion is to determine the direction alternatives are to take in terms of their goals, formatting and authority: corrections administrators or line staff, the public, Crown, defence, the judiciary, or government commissions. Whatever directions are taken, the policies must be articulated for the whole system and not just for one component.

For the second report, it was hoped that not only these issues could be discussed from a survey of relevant persons (see Appendix A), but that more specific questions could be dealt with such as, does the use of the temporary absence programme (e.g., release to community-based therapy) diminish the authority of the court? Should the community service order be a separate disposition, i.e., not attached to a probation order? Should indigent persons be jailed for non-payment? In addition, it was felt that given the informed opinion from both the first and present report, recommendations for the future of the programmes could be articulated for consideration.

Before proceeding to a discussion of the methodology for the second report and its findings, a short discussion of what was being attempted will be outlined. This will indicate the focus of the present report as being a policy analysis in contrast with the methodology of the numerous other initiatives studying the alternatives at the same time.

First, generally, policy analysis as an applied discipline uses multiple methods of enquiry to produce information about policy issues. One cynical view is that this is not a rational process more closely related to value relativism than to objective social science. It is argued that this is true in the sense that any one given policy issue, such as alternative programming, is usually the result of conflicting subjective definitions of the policy problem. For example, the question, "What purpose are the alternatives serving?" tends to be

answered differently if asking a judge as opposed to a corrections official. Therefore the analysis can be unique, not only to the background or the philosophical outlook of the policy analyst, but to those who are being asked these questions. However, policy analysis is primarily a cognitive process, while policy-making is a political one. In order to be sensitive to the political arena of the particular policy, such as sentencing alternatives, we have to be aware of the different perceptions surrounding the problem - and, this particular issue appears not even to be perceived as a problem to some of the stake holders.

In order to do an analysis, then, one has to have some sense of how a policy problem is perceived. This seldom emerges fully defined, but usually is couched in other priorities. The process of teasing these out for consideration is part of the analysis. For example, corrections is hit hard by restraint, prisons are overcrowded; judges are sensitive to public demands for control of offenders, etc.

Problem structuring is the most critical phase of the exercise. Usually one can view the issue as a problem if it is perceived to interfere with the attainment of some value or need. For example, are alternatives actually relieving overcrowded jails? Finally, the issue must then be placed in a context of interacting or even independent forces and consequences. Therefore, questions are asked such as "if alternatives do not behave as true alternatives to incarceration

should, why don't they, should they really, what value do they have if they do not serve as true alternatives and whose interests are served if they do or do not?"

For the present policy issue, there are several levels of analysis which can be made. First there is the actual definition of the terminology, is it to be 'alternatives to incarceration', 'sentencing options', 'alternative dispositions'? In consultation with the Sentencing Commission, this focus was defined to be alternative sentencing option programmes. However, when introducing the topic for discussion in the field, it often had to be prefaced with reference to the more widely recognized and conventional term of alternative sentencing to incarceration programmes before it could be redefined more exactly. The definition certainly affects the perceived goals of the programme and therefore the assessment provided by those interviewed.

Within the assessment, questions were directed toward a more sociological consideration of the ultimate control over the programmes, whether judicial or executive, which requires an analysis of power placement relative to the programmes. Who has more 'real' authority, the courts in sentencing to the programmes or corrections in actual administration? From the survey, the line dividing the two appears to be fairly well agreed upon and understood. Judges do not interfere or attempt to specify administrative conditions, corrections does not attempt in effect to assign sentences in classification. A more

indepth analysis of these major components of the criminal justice system, whose interactions define the unequal distribution of rewards and risks, would be necessary to determine the actual import of these responses. On the part of administrators of the programmes, though, the reality is that inattention to these relations between aspects can frustrate policies intended to affect only the single component of corrections. For example, the unintended consequences of a prison industry programme could well affect employment of labour on the outside, as union officials often warn, if there is not sufficient realistic attention paid to the programme's impact. To further illustrate, it was reported that one zealous CSO worker in northern British Columbia was assigned wood-chopping as his task and actually threatened the business of several wood-chopping enterprises in the area with his amazing productivity. An unintended consequence. The same cautionary note applies to policy reform. For example, coordination of key actors was not accomplished in two reform efforts in Illinois and South Carolina and, therefore, actions taken by the state Attorneys General and the judiciary offset the states' department of corrections policies developed to reduce prison overcrowding. The two components simply failed to communicate to one another (Solicitor General, 1984: 155)

Along with the sociological orientation of the report is a psychological aspect. This rests mainly in the more visible contribution of its survey of opinion. Governments and public

interest groups now use surveys to evaluate existing or proposed policy and it has been suggested that the current high opinion of opinion polls has a democratizing force (McCall and Weber, 1984), wherein the attitudes of differing actors come to have import no matter what their status. For the present survey, it was thought that it was necessary to obtain the opinion of not only corrections, those primarily in charge of programme administration, but judges, defence lawyers, Crown attorneys, police and even some of the agencies' heads. We hoped that in getting as many perspectives on the programme purposes and their functioning in terms of effectiveness, general satisfaction, and administrative problems, that an overall appreciation of the issues could be obtained.

Another more psychological contribution of the report is hoped to be a consideration of policy as a decision-making behaviour, as a cognitive behaviour of choice. The choices and directions to be made will be formulated in a set of recommendations arising from the analysis.

Methodology

A structured interview was created on the basis of the emerging issues outlined above. In addition, more specific questions directed at the programmes themselves were created in order to obtain an indepth consideration of selected programmes across Canada (see Appendix B).

In British Columbia, intermittent sentences, attendance programmes, temporary absence programmes and community service orders were examined; the community service order and restitution programme in Prince Edward Island were examined; VORP's and community service orders were investigated in Ontario; and the fine option programme in Saskatchewan was considered for comparison, as well.

The means by which this was done was through interviews with various members of the criminal justice system who were felt to have some interest and involvement in the functioning of alternative sentencing option programmes. This included members of the judiciary, the Crowns, defence lawyers, and in some cases, police representatives in the community where the programmes were operating. Also, programme administrators were interviewed; for example, fine option coordinators in Saskatchewan.

Whereas the first report had concentrated on an overview of the programmes' availability, general costing and functioning from the corrections' perspective, it was felt all perspectives would not be completely inventoried unless other actors in the system were allowed to have their opinion voiced as well. This was in keeping with the scope of the policy analysis that has been attempted in order to determine the nature of the policy issue.

In addition to the above persons and professions, an 'official' position from corrections' heads had not been surveyed in the first report either. Therefore, a short three question instrument was drawn up and sent to each of the provincial heads of corrections and to the Federal Commissioner. These general questions (see Appendix C) addressed:

1. the future continuance of alternative programmes in Canada;
2. whether they should be made available directly to the court in sentencing; and
3. whether they should be under judicial or bureaucratic control for purposes of administration.

In evaluating these other opinions, attempts were made to derive recommendations based, not necessarily on consensus, but on the various options supported by the opinion expressed. The Results Section will, therefore, be structured as follows: first a specific description of the programme is given (modified from the first report) in order to establish the context, followed by the survey results (for costing and caseload information see Appendix E).

COMMUNITY SERVICE PROGRAMME AND RESTITUTION IN PRINCE EDWARD ISLAND: ISSUES AND ATTITUDES

Background

Community Service Orders

Of particular interest in Prince Edward Island was the CSO and restitution programmes. As reported in the 1984 Department of Justice report for Prince Edward Island, the community service order programme was initiated in 1977. Provincial, and occasionally Supreme Court judges used the concept as part of their sentencing practices.

Financial support was received from Canada Employment and Immigration Commission through its Canada Works Programme, and, with the assistance and cooperation of the John Howard Society of P.E.I., four workers were hired to assist for a year. They work under the day-to-day supervision of probation officers operating from Montague/Souris, Charlottetown, Summerside, and West Prince.

An evaluation which was done on the programme from inception in 1977 to mid-1979, indicated there were 184 offenders who had been sentenced. Most of them had been placed on probation for three months, six months or one year. A total of 7,613 hours had been served with an average of 41 hours per order.

Recommendations which were made at the end of the report contained three of interest to the present study. First, the work orders should remain as part of a probation order (Recommendation 3). Second, the number of hours should not be restricted to the 40-240 limits (Recommendation 2). And finally, community service should not serve as an alternative to incarceration (Recommendation 6).

A scheme, unique to this province, has been implemented which allows offenders the opportunity to pay a fee in lieu of performing community service work. Typically the amount is $5/ hour of community service work. Originally, the consent or approval of the probation officer was required before the offender could opt for this alternative but recently the offender has been allowed greater autonomy regarding this decision. It is the impression of the Director of Probation and Family Court Services that many people prefer to pay the fee, if they can, as opposed to performing the community service work. The monies obtained from this source are placed in a community service work fund and, due to the size of the community, it is possible to inform the community that money is available to assist interested organizations. Applications submitted by organizations or groups are considered by the community service work fund committee which is comprised of the three provincial judges, one probation officer and a court clerk, and money is allocated accordingly.

Restitution Programmes

Restitution has been part of sentencing in Prince Edward Island for 11 years, but has received an increased emphasis in recent years; a revival which seemed stimulated by an increased concern for the victims of crime. The offender is required, as a condition of probation, to pay to the Clerk of the Court an established amount. According to the 1984 Justice Report, 75% of all individuals coming under probation supervision were required to pay restitution and/or perform community service.

In a 1979 evaluation of the report by Mayne and Garrison, 79 cases of restitution ordered as a condition of probation orders were examined. Thirty cases were randomly selected for in-depth profiling. Amounts of restitution ordered indicated 75% were for less than $50.00; with 98% being less than $100. Seventy-five percent indicated payment would prevent further commission of future damage. Victim satisfaction with restitution appears to be relative to the amount of money received; more money and higher satisfaction are correlated.

Survey Results

In Prince Edward Island, various members of the criminal justice system were interviewed to assess their perceptions of alternative sentencing dispositions. The following discussion is based on their responses to the interview questions.

In some cases, the nature of the offence or characteristics of the offender necessitates a jail sentence. For example, dangerous offenders or those who cannot be deterred by any other methods or where no alternative or other sentencing option is appropriate. At other times prison is definitely not the right sentence for an offender. However, when some type of sanction must be applied or when it is felt that the offender could benefit from intervention, alternative programmes seem to fit the bill. These offenders can always be brought back and sentenced to jail on default of a noncarceral option. There is a general consensus among the parties interviewed that alternative dispositions are not true alternatives in all cases, but rather that prison is usually considered a "last resort" or a method of incapacitation. The Director of Probation and Family Court Services noted that as probation conditions were expanded with restitution, rehabilitation programmes and the advent of CSO in the late 1970's, jail sentences decreased and the number of probation orders increased. As an explanation for this outcome, he speculated that jail is being used less now in conjunction with more probation resulting in a decrease in the number of inmate days served and an increase in probation days and community service hours.

All the individuals felt that the range of programmes as it presently exists is too restrictive and various other programmes were suggested. Among the programmes proposed were a fine option -- to reduce the expense of jailing fine defaulters; a

formalized diversion programme, e.g., for shoplifters; greater emphasis on victim restoration, recovery and compensation; greater use of counselling programmes; and programmes that benefit the elderly.

In P.E.I. there is already an attempt to equate fines and community service hours. However, the judge did not feel a need to broaden this equation to include time spent in jail. He indicated that if noncarceral sentences are not true alternatives then they cannot be equivalent. He added that offenders should be able to choose between fines and community service but not jail. A further problem with finding an equivalent for jail time is the question of remission. One police officer cautioned of the abuses that could take place if the offender were free to choose between sentences. The defence lawyer, although expressing a need for standardization, disapproved of allowing an offender the opportunity to pay a fine instead of performing community service work because this option means that people can buy their way out of the sentence and it did not ensure that individual differences were considered. Furthermore, a community member noted that paying a fee instead of performing community service work may not be serving any sentencing objective if the fee is paid by the offender's parents.

All of the people interviewed felt that it is desirable to have all alternative programmes available, but the practicality of this was scorned due to the limited resources and initiatives

in certain jurisdictions.

Community Service Orders

Most interviewees felt that judges should have the final approval as to whether an offender is placed on a CSO. The Crown, though, indicated that corrections should be able to adjust a sentence in light of circumstances which occur following sentencing.

There was a split among respondents as to whether the CSO, as it now operates, was a true alternative to incarceration. The public defender, Crown and judge saw it as a sentencing option rather than an alternative to jail, whereas the private defence counsel, corrections, the RCMP and a member of the public from a community offender placement stated that it might be viewed as a true alternative.

The problems with the programme are quite varied. There is little feedback to the justice system regarding the offenders' performance plus the work has relatively low visibility; the public is not aware who is performing community service work or when it occurs. There is the need to make the offender relate the work being performed to the offence as well as a need for greater supervision and follow-up. In order to do this, however, the probation services will require greater resources. Unrealistic expectations on the part of some supervisors and a lack of motivation or responsibility on the part of some probationers, also results in difficulties. For example,

problems arise when offenders quit in the middle of a work assignment leaving it incomplete. One corrections respondent stated that an assessment of offender work abilities (e.g., work habits) is necessary at the sentencing stage. Another problem is that suspicion is automatically cast on the offender if a crime occurs at the placement site.

The overall assessment of the programme was quite favourable. Although not appropriate in every case, the community service work programme is meeting the needs of the community which benefits from the work. But it was suggested that more could be done to meet victim needs. For example, having probationers perform services for victims of crime where the perpetrator was not found. The probationers are perceived to view the experience positively and a story was related of an offender being hired to work at his community service placement following the completion of his sentence. In addition, the money received from the community service work fund is put back into the community where concrete results can be seen. There is greater benefit for both the offender and the community by placing an offender on community service work than in jail.

The argument that offenders receiving CSO's take jobs away from citizens in the community is not held to be valid by any of the individuals approached. It is thought that offenders should not be placed in jobs where they are displacing others but rather should be doing work that otherwise would not be performed. Usually the money is not available to pay someone to

perform the task, but this then raises the issue of what to do with volunteers. The Crown stated, however, that even if this argument were true, an equal if not greater good is achieved by providing work for probationers. A note of caution must be given to organizations so that they do not depend on this source of labour since the number of placements may vary greatly over time.

The special needs of offenders are considered in their placement. The judge will usually ask the accused if he/she is able to perform community service work. Some placements may be completed at the probationer's home (although these are quite limited in number) and there is some flexibility regarding the time that the community service work is performed, i.e., weekend or evening work is available.

The public is perceived by most of the respondents to be supportive of offenders serving their sentence in the community. The citizens can actually see offenders working off their sentence. A few had reservations regarding the public's acceptance of offenders within their own community or in close proximity to them.

There does not seem to be a necessity for separating the community service disposition from the probation order. Supervision and enforcement for noncompliance must still be ensured and the current system allows the probation officers to be well-informed about the offender and retain greater reporting

authority due to the other conditions attached to the probation order. Probation personnel would still be responsible for the community service order even if it were to become a separate disposition. The judge stated that this would just serve to increase the paperwork without producing any improvements.

Corrections would like to expand this programme since community service work is not presently given in large numbers. Although the judge claimed to use this option extensively, the Director of Probation and Family Court Services stated that approximately one half of the convictions come from drinking driving offences for which individuals receive a fine, jail or both rather than community service work.

Restitution

All individuals agreed that the court should have final approval as to whether an accused is given restitution, but it was stated by the Crown and the judge that corrections should handle the fine tuning of the sentence (e.g., rate of payment). The defence counsel suggested the possibility of forming a board to decide upon restitution since this might be less bound by court procedures allowing restitution to be made even if the case was thrown out.

Restitution was <u>not</u> perceived as a true alternative, but simply an addition to the sentence. Few problems were identified, but those that surfaced varied depending upon the respondent. The defence counsel noted the inherent difficulties

with the financial abilities of offenders to pay and queried its enforcement; that is, whether the probation officers were doing all they could to ensure restitution was made. The public defender brought up the problem of assessing the amount and accuracy of damage estimates, especially putting a price tag on pain and suffering. This sentencing option can only work with certain crimes, e.g., property crimes or minor violent offences. A fact mentioned by corrections is that there are more charges because of this increased sensitivity to victims. For instance, an offender who has multiple charges is charged with all of them rather than just a few so that all the victims may receive restitution.

There is a high concern for victims of crime in this province resulting in respondents being unanimously in favour of restitution. Not only is the victim reimbursed, but it brings home to the offender the consequences of his/her actions. The judge stated that restitution, if it is presented in court, will be ordered except if it is a long-term jail sentence, or if no damage estimate can be determined, or if the amount is too large. Approximately 55% of probation orders in 1982 had restitution attached as a condition; a figure which is one of the highest in the country according to the Director of Probation and Family Court Services. The corrections respondent stated that it is enforced well and that most offenders paid the restitution without any problems.

In the opinion of those interviewed, the criminal court was the most convenient place for restitution to be ordered where the amount of damage is determinable, i.e., a monetary value can be placed on it. The civil courts may be better in dealing with situations where the value of the damage is in dispute, where there is a large amount of money involved, or where an estimate of emotional or physical injury is required. The criminal court hears the case sooner, is less expensive for the victim, less cumbersome and is more effective in that restitution becomes part of the sentence. Again, a board set up to handle victims of crime, as put forth by the defence counsel, may be an alternative approach to this issue.

Victim impact statements were perceived by most of the people interviewed as introducing emotions into the courtroom. The objective view of the state versus the accused needs to be maintained. It was felt that it was not the responsibility of the court to compensate victims for their loss. On the other hand, although the victim should not profit from the crime, the opinion was expressed that the victim's total expense should be considered. The respondents from corrections felt that the information should be advanced, but in an objective and verifiable manner and it should not be a determining factor in sentencing. A comment regarding the problem of ferreting out the victim's contribution to the offence is of interest to note.

Opinions on other sentencing options were also solicited with the following results.

Intermittent Sentences

The use of the intermittent sentence has increased due to the recent change in impaired driving legislation. Though it is usually employed for this type of offence, other crimes where the sentence is less than three months may be considered. Accused who are employed and/or have families to provide for are prime candidates for this disposition. It is favoured for short jail sentences, instead of sentences close to the three month maximum because of the strain it places on the prison system. The problem of offenders showing up at the jail inebriated has been ameliorated by inserting a probation condition which states that they must not drink for a specified period prior to their appearance at the jail.

The fact that the offender does not serve the entire number of days was raised by the police officers. For instance, offenders serving their time on weekends are credited for three days when in reality they are in jail for only a portion of Friday and Sunday.

In general, the sentence works well in the appropriate circumstances since the emotional effect of jail and control on the offender are still maintained.

Attendance Programmes

There is support for attendance programmes from the members of the criminal justice system. The judge felt that he and his colleagues should be aware of the programmes that are available. Unfortunately there is some skepticism as to the effectiveness of these programmes, although the potential for benefit is great in some areas (e.g., the police mentioned that a drivers' education programme may be quite useful). Even if coerced, the offender may be affected by exposure to it. It was mentioned that more programmes should be available, especially for prisoners, even though there may be difficulties in putting them in place. For example, it may not be possible for offenders receiving short sentences to receive treatment.

Temporary Absence Programme

As a whole, the respondents believed that temporary absences had benefit in serving a reintegrative purpose. Everyone felt that corrections or the parole board should have authority over the release since they are in a better position to make this decision. The authority of the court may be diminished but there is still a level of control and accountability. The judge stated that temporary absences should be used sparingly since an offender belongs in jail if he/she is sentenced there. Perhaps a better system of communication between the courts and corrections is worth pursuing.

Fine Option Programme

Although there was limited knowledge with respect to this programme, the idea was considered to be good. The people who receive fines are generally impaired driving offenders since a community service order is not an sentencing option available for them. The corrections department noted that there were a number of persons jailed for fine default and this is supported by the public defender who stated that a high percentage of people receiving fines do not have the resources to pay them.

The judge indicated that fines, as a sentence, are not frequently used now and may be used even less in the future since the trend for impaired drivers seems to be jail. There is much greater emphasis by judges on the community service/fee option. One of the judge's concerns was that there may not be sufficient community service work available to make a fine option programme feasible.

Victim/Offender Reconciliation Programme

Informal reconciliations do take place in terms of financial restitution and also in some domestic disputes. However, a formal programme is not advocated due to the many problems involved with it. The observations of those interviewed is that victims usually do not want to have contact with the offender.

In summary, there is great support by members of the criminal justice system for the community service order programme and restitution as it operates in Prince Edward Island. They seem to be particularly sensitive to the needs of the victims of crime, perhaps due to the small town atmosphere and the action groups which have worked with the system. The participants felt that more should be done in this area. Of interest to note was the respect and confidence that the members of the system exhibited with regard to the corrections department. Again, this is likely due to the size of the community and familiarity with the corrections personnel.

COMMUNITY SERVICE ORDERS, RESTITUTION AND VICTIM/OFFENDER RECONCILIATION PROGRAMMES IN ONTARIO: ISSUES AND ATTITUDES

Background

Community Service Orders

Ontario established its community service programme on the basis that it would be operational out of probation services. In November 1977, the Ontario Ministries of Correctional Services and the Attorney General announced that a number of CSO pilot projects would be set up. Apparently, prior to this, judges had been using the disposition without a supporting structured programme. Therefore, by January 1978, there were six initial pilot projects. All but one of these were operated under contract to a private agency. It was a deliberate policy decision by the Ministry to involve the private sector in the administration of the programme with the rationale that this would increase the extent of community involvement. These contracts specified there would be a community service order coordinator who would be responsible for the programme itself. The coordinator would develop a bank of work placements for assessing the offender, for matching the offender with an appropriate task and for ensuring that the work was done in a satisfactory way (Polonoski, 1979: 6).

The Federal Government, through the Federal Department of Justice and the Solicitor General of Canada, supported these

initial projects, each Ministry contributing 25% of the cost for the first two year period. The pilot projects were then extensively evaluated by the Ministry of Correctional Services in a four report series. The initial sample was comprised of 689 probationers who had been issued CSO's as a condition of probation in the 12 pilot project areas. The results indicated that the type of offender being selected for the CSO programme tended to be a low-risk offender with a record of non-serious criminality. The offender was usually male, single, approximately 21 years of age, with evidence of stability in his life style (p. i).

There was little agreement among the judiciary as to how the CSO option was to operate. It was found that it had been used by them simply as another condition of probation, as a more stringent form of probation, as an alternative to incarceration and finally, as a separate sentencing option. Therefore, although the CSO programme had been initially intended to operate as an alternative to incarceration, the low risk nature of the CSO population indicates that it was unlikely the CSO was being used as a true alternative to incarceration. The overall recidivism rate for offenders for the period of time from the assignment of the CSO to one year following the completion of their hours was found to be 18%, which was lower than recidivism rates found for other available programmes. However, this conclusion was qualified by stating that because of the low risk nature of the offender population, it was felt the high success

rate was inflated. At the end of the study, which was the end of the third year since the research began, 85% of all the cases had been closed.

Two of the projects were programmes for natives. The London, Ontario project had the highest conviction rate during the CSO experience with 23% or three out of the 13 individuals. However, it also had the greatest proportion of clients to maintain contact with the community placement after completion of the CSO requirement. The Kenora project has been operated by the Ne-Chee Friendship Centre in Kenora since June 1973. The average CSO assignment was 62 hours. Over half the clients had been ordered to perform over 50 hours of community service. For some reason, more of the CSO probationers in Kenora provided dissatisfactory service at all their community placements than in the other projects. It also had the highest conviction rate among clients during the performance of their hours. These two descriptive studies point out a recurring problem with evaluating alternative programmes, indicators of success or failure do not emerge. Why one programme 'succeeds' while another 'fails' remains a mystery, so that considerations for future development of programmes is not guided by past experience.

There are currently 29 'in-house' programmes, 59 'out-of-house' programmes and two that do not receive funding from the Ministry of Correctional Services (Evans: 1985: 28).

The survey results from Ontario indicate that the programme is geared to non-violent offenders leading to a reduction of the prison population. This is a programme done in conjunction with the sentence of probation. The strengths listed are that it has enhanced community involvement and participation, it has provided tangible benefits to the community in terms of unpaid services and it has been a positive and worthwhile experience for some offenders. The weaknesses listed were that it is difficult to evaluate whether the programme is an alternative to incarceration since, generally speaking, courts are not using CSO's as a true alternative, a point also made in the four-report evaluation of the initial reports (Polonoski, 1979, 1980, 1981; Hermann, 1981). The principal criticism is that the programme has not impacted on the prison population as was intended. The cost of the contracts with private agencies for 1984/85 was approximately $2.4 million. The programme is currently being reviewed with the intention of developing a policy statement regarding the objectives of the programme, since the articulated objectives still emphasize that it is to be a community-based alternative sentence to incarceration.

In 1984/85, there were 63 CSO contracts responsible for a caseload of approximately 5,000 clients per month. The expenditure for 1984/85 was $2,357,00.47 as compared to 1983/84 in which $1,956,721.00 was spent.

The evaluation of the Rideau-Carleton Restitution Programme was an interesting one as it examined the area of restitution for incarcerated offenders both in terms of victim satisfaction and recidivism, which are neglected areas in restitution research. Recidivism in particular is considered an important indicator of effectiveness yet the impact of restitution programmes upon restitution is unclear.

The Rideau-Carleton Restitution Programme usually involved male incarcerates who were willing to pay restitution and who were eligible for placement in the community resource centre (CRC). A total of 244 offenders participated in the CRC programme between 1978/79. These offenders were then evaluated in terms of both in-programme recidivism and post-programme recidivism. Briefly, in-programme recidivism referred to whether or not the resident completed his sentence at the CRC without revocation of his temporary absence status. To measure post-programme recidivism, a one year follow-up was selected along with a two year follow-up for a smaller sub-sample. It was discovered that 45% of offenders with restitution requirements failed in their CRC placement as compared to 19% of residents without restitution requirements. This result is not surprising since it was discovered that individuals were not randomly assigned to each of the groups, and as a result, the restitution group was younger and was more involved in criminal activity indicating higher risk with respect to recidivism. At one year,

the reincarceration rate for both groups was about 41% compared to 61% at two years. Even though high risk offenders comprised the restitution group, this made no difference in the reincarceration rates for the one and two year time periods for each group.

In general, victim satisfaction was quite positive. Sixty-five percent of the restitution victims stated they were in favour of the programme while only three percent stated they were not in favour. The remaining victims, 32%, had mixed feelings about the programme. Interestingly, it was found that the amount of money lost by the victim and the amount repaid to the victim were related to the rating of the programme. That is, the more money lost, the lower the rating of the programme. Similarly, the more money repaid, especially full payment, the higher the rating of the programme. Overall, 43% of the victims received full payment while 31% received partial repayment.

It is difficult to reach any firm conclusions about the Rideau-Carleton Restitution Centre since the methodology of the study was less than favourable. Both the victim sample and the offender sample were not randomly placed into the experimental and control groups. But it does provide some insight into the utility of restitution in half-way houses. Even though the restitution group of offenders was a higher risk, it still did not differ significantly from the lower risk control group. This suggests that perhaps a select group of high risk offenders may benefit from restitution more than 'traditional' property

offenders.

Evans (1985: 29) notes that currently, restitution programmes in Ontario are defined with victim/offender reconciliation programmes. There are nine programmes offered in-house through probation and eighteen out-of-house run by such agencies as the John Howard Society.

Victim/Offender Reconciliation Programmes

VORP's have been established in Ontario for 11 years and are funded provincially. They included programmes for both adults and juveniles and deal with intervention procedures at the pre-sentence and post-plea stage. The programme is largely administered by private agencies on contract to the ministry, such as the John Howard Society or Community Justice Centres, although there are some in-house supervision programmes. One of the more well known community agency programmes is run by the Mennonite Central Committee, which administers the VORP in Kitchener. It mediates a just restitution agreement between the parties, following the cases through to completion. The agreement is negotiated prior to sentence and becomes part of the probation order. The objectives are to effect a reconciliation and understanding between the victim and offender and to facilitate the reaching of a restitution agreement.

Problems which have been encountered with the operation of the programme, as stated in the overview are:

1. finding the victims - by the time the offender was

recommended to the VORP, the victim was difficult to locate;

2. mediation should take place in a neutral territory; and
3. selection criteria - minimum risk clients owing less restitution may not be the best client for a VORP.

The evaluation noted the strengths to be that of sensitizing the offender as to the human consequences of his/her actions and providing an avenue for the victim to receive redress for the offence. The programme may also contribute to a greater understanding of the offender by the community. It was noted, however, that it could be a time-consuming process at times and that there is an under-utilization of VORP's by the courts. The cost of the programme is difficult to assess because the cost is built into total cost of multi-service contracts with agencies.

There was a request by programme developers and administrators in the field to measure the success of VORP's with regard to goals and to suggest improvements. The criteria examined were recidivism and management efficiency. The results were mixed, indicating that:

1. when mediation occurred less hostility resulted between the parties;
2. involvement with the VORP did not discourage recidivism;
3. involvement did not increase the probability of repayment of restitution; and
4. involvement did not encourage better probation reporting habits.

Survey Results

Interviews in this province took place with various members of the criminal justice system. Only metropolitan Toronto was sampled, therefore persons from other areas in Ontario may have different viewpoints and ideas. For instance, people in Kitchener, where the Victim/Offender Reconciliation Programme is highly profiled, may have opinions which vary from those gathered in Toronto.

Sentence alternatives were regarded by all to be true alternatives to incarceration in at least some cases with the range of opinion spread from:

> In some cases they are alternatives, but in general no. (defence counsel's response)

to:

> Yes, 90% are alternatives to jail. (judge's response)

These alternatives were also viewed as additional sentencing options to be used when jail was not an appropriate disposition.

Everyone, with the exception of the defence lawyer, felt that the range of sentencing options could be expanded. The defence was concerned that meaningful distinctions between options were not being made resulting in a lack of understanding by people in the CJS as to the purpose and benefits of one option as opposed to another. Generally, there was the feeling that the more choice available when sentencing the better.

Programmes suggested for implementation included an increased use of fine option, greater use of restitution particularly to victims for physical injuries and expansion of the community service programme.

There is a perceived need for a standardized set of equivalences between community service hours, fines and days spent in jail. However, one judge indicated that there is a necessity to consider the individual and the punishing effect a sentence may have upon various offenders. The Crown was of the opinion that it was the judge's responsibility to set the length of the sentence or the amount of the fine and that, therefore, equivalences across sentencing options was not possible. If such equivalences were established, the respondents stated that the offender should not be allowed to choose among them. Offenders could make their preferences known through the defence counsel at the time of sentence, but it is up to the judge to consider what is best for the community as well as the offender.

This, then, leads into the question of availability of sentencing options. Although it may be preferable to have all sentencing alternatives available in every jurisdiction some programmes may not be feasible or reasonable in some areas whereas others may only work well in certain locations. It is felt that sentencing should reflect local values and problems. The unavailability of alternatives in some areas should not constrain or curtail their use in others.

On the wholem it was felt that the final approval as to whether an offender is placed on a community service work programme should rest with the judge. The decision may be based on input from the correctional administration and does not necessarily entail approving the terms of the order, i.e., the type of work the offender is to perform or the location of the placement. As to whether this sentence is used as a true alternative to jail, there was a general consensus that it was, at least occasionally.

The problems identified with the programme stem from the administrative aspects of supervision on the placement site and finding suitable work for offenders. The Crown stated that the focus on manual labour does not tap the skills of the sentenced individuals and may not even be appropriate for some. One judge added that the quality of work performed by the offender may not be satisfactory and there are no assurances of this. Furthermore the number of community service hours imposed has to be within a workable range, e.g., 50-200 hours was suggested.

The respondents did not accept the proposition that community service work takes jobs away from citizens in the community. Offenders perform work which would not normally be done, either because nobody wants the job, or because there are no resources to pay the offender. Consideration for offenders with special needs is made via recommendations received during

sentencing. However, there appears to be little, if any, knowledge on this issue.

There did not appear to be a need to separate the CSO from the probation order. Since it involves the same procedure as probation, and supervision and enforcement are still required, there was thought to be no advantage to having two different orders.

There was some variability in responses to the issue of public acceptance of the community service option. The judges felt that there was no great opposition to CSO's by the community and that a favourable attitude would develop once the community became accustomed to the idea. Community service orders are viewed as a reasonable alternative and provide greater benefit to the ofender than a jail sentence. However, there is still room for improvement.

Victim/Offender Restitution and Reconciliation Programmes

The victim/offender reconciliation programme (VORP) had limited use because of the difficulty in obtaining a consensual resolution. Due to the respondents' unfamiliarity with the programme and the general lack of its use the discussion with the interviewees was expanded to include restitution.

All parties agreed that the court should have final approval over the VORP and restitution. The popularity of restitution was emphasized by one judge who claimed that 75% of the probation

orders had restitution attached as a condition. There were specific difficulties with this disposition, however, such as the odd time that the accused is unemployed even though inquiries are usually made as to his/her ability to pay prior to sentence. The Crown noted that in some cases probation is not necessary and that perhaps the restitution order should be a separate disposition. Overall, this programme was without doubt of benefit to the victim and the offender.

There was some disagreement as to the most appropriate forum for dealing with restitution. One judge, the police administrator and the Crown felt the criminal courts should handle this when there is no dispute among the parties involved. But the defence lawyer and the second judge were more in favour of a separate board to deal with this issue.

Again responses were split regarding the use of victim impact statements. The defence and Crown felt this type of statement provides relevant information, but that it should only be one factor that the judge considers rather than the sole basis of the sentencing decision. On the other hand, the judges and the police officer were more concerned with the vengeful or complaining factors that might crop up in the statement. Judges already have access to most of the information such statements contain. The only benefit one judge saw is that it casts light on any unusual consequences to the victim resulting from the offence.

Intermittent Sentence

The intermittent sentence was viewed positively since it permitted the offender to remain employed or attend school and support his/her family while still retaining a deterrent effect. One respondent said that there is a tendency to use this sentence for only a certain type of offender, i.e., the businessman. It was recommended that the penalty should have a broader application and that it is better for short-term sentences. Administrative problems were also cited but the Crown stated that these do not seem to be relevant now. However, a recent article in the Vancouver Sun (March 14, 1986) states that:

> Prisoners from the overcrowded Barrie jail are being allowed to serve their sentences by checking in nightly at a local police station or jail and simply signing their names.

Although the two programmes cited in this article are actually temporary absences, the legislative justifications utilized are the same as those for intermittent sentences, i.e., the offender "...must be serving a sentence of less than 90 days and must have either employment, education or family reasons to be allowed out".

Attendance Programmes

The effectiveness of these programmes was brought into question by all the individuals approached, since a person's motivation was seen as a critical determinant to the programme's success. Rather than have the judge sentence the accused to

attendance at a therapy programme, the Crown proposed, instead, that the judge delay sentencing until the programme was completed by the individual. Thus the results, whether favourable or not, may be taken into account when deciding the sentence. The judge reflected further on the appropriateness of judicial intervention in even sentencing an offender to treatment.

Temporary Absence Programme

With the exception of one judge, temporary absences are, in everyone's opinion, useful alternatives. This judge was not in favour of any release mechanism since it is inconsistent with the disposition imposed by judges. Others felt that the authority of the judge is not diminished because he/she can make recommendations regarding temporary absence release. Only the defence stated that the courts should be the deciding agent when releasing a prisoner, as this restricts discrepancies.

Fine Option Programme

The fine option programme was seen as fair and just by the defence, but the Crown and judge had a different viewpoint. The Crown stated that judges do not impose fines unless the accused indicates he/she is willing or able to pay. If the judge had wanted an offender to perform community service work then he/she would have ordered this. One judge proposed a 'fine stamp' programme (similar to the food stamp programme in the United States). Offenders sentenced to a fine who are unemployed should

be sent to the unemployment centre to find a job, rather than having corrections locate placements. The offender should then be required to pay the fine through the job.

In summary, the community service work programme in Ontario does not appear to have the same level of support as the programme in Prince Edward Island. Victim/offender reconciliation programmes, although a number exist in Toronto, are rarely used by the CJS and the individuals interviewed possessed quite limited knowledge regarding this option. The best reviews from the respondents were given to the restitution programme.

FINE OPTION PROGRAMME IN SASKATCHEWAN: ISSUES AND ATTITUDES

Background

Fine Option Programme

The fine option programme in Saskatchewan began accepting its first clients in January 1975 after studying its feasibility for a number of years. The initial recommendation for an alternative to the payment of fines came in 1971 from the Saskatchewan Corrections Study Committee after it was noted that a large percentage of the admissions to correctional centres were for fine default. In 1972, a recommendation from the Department of Social Services and the Attorney General led to the development of the present programme as an alternative form of payment for those individuals likely to otherwise be imprisoned for fine default.

A review conducted in 1976, after the first year of operation stated that the programme appeared to be reaching those for whom it was intended. At the time the impact of the programme on other parts of the system (enforcement of fines) was unable to be assessed. The review suggested changes in some aspects of the programme dealing with basic policy and administrative procedures. Another review in 1984 indicated that a few of the recommendations appear to be still unresolved (Schneider, 1984).

Initially, the fine option concept was seen as a short term response to non-payment of a fine. As it has developed over the years, it appears as if this temporary measure has blossomed into a well developed programme in the Saskatchewan Justice Department. Schneider (1984: iv) notes that the 1976 recommendation suggesting that "the government initial action to develop more permanent solutions to the problems created by a fine structure which did not allow for the adjustment of fines to an individual's ability to pay the fine" has not been met. The issue of meaningful or credible work placements is still an important and contentious one, as well as the development of a definite agreement between the provincial and federal governments regarding the types of federal fines payable through the fine option programme.

The programme is administered by the Saskatchewan Corrections Branch which contracts with various community-based organizations such as the John Howard Society of Saskatchewan and the Indian and Metis Friendship Centres. These agencies act as fine option agencies that provide services of the programme locally. The programme coordinators then work with the agencies to develop the community support structure (work placements) necessary for the operation of the programme. Saskatchewan is divided into six regions in the south and one northern region (above the 54th parellel). Currently there are 260 fine option agencies operating in the province (see Table 1 for caseload and costing information for 1984; see Appendix D for caseload and

costing information for the first six months of 1985) In order to gain access to the programme the offender must present a Notice of Fine form to the fine option agency at least seven days before the default date.

The fine option programme is available to any adult assessed a fine by a court in Saskatchewan, where the time to pay is allowed and the penalty for non-payment is incarceration. The programme is also available to young offenders for provincial or municipal act offences (Vehicles Act or Liquor Act), where time to pay is allowed, but not for Criminal Code or federal act offences (Narcotic Control Act or Food and Drug Act). The introduction of the Young Offenders Act last year is expected to have some effect on the programme in that young offenders, ages 17 and 18, charged with Criminal Code offences or federal act offences will not be eligible for the programme any longer. The 1985/86 fiscal year statistics, therefore, may indicate a leveling off of the recorded fines and partcipants. This would be more indicative of a recording artifact than a pattern of programme use. The programme is expected to come in slightly under the budget of $350,000, given this adjustment, with approximately $220,000 of this total going to agency fee assessment.

All of the work placements are considered to be of equal value and no extra payment is offered for work involving tools or equipment. Community work performed to pay off the fine is credited at the rate of $4.50/hr., Saskatchewan minimum wage.

FINE OPTION PROGRAM

April 1, 1984 to March 31, 1985

TWELVE MONTH STATISTICAL REVIEW

TABLE I

REGION	Number of Participants	Number of Community Service Hours Performed	Number of Fines Registered	CC	Fed Acts	Prov Acts	Municipal
Moose Jaw	899	30,503.5	1,172	388	52	627	105
North Battleford	1,967	53,599.5	2,445	640	107	1,601	97
Prince Albert	2,441	83,454.5	3,158	964	41	1,908	245
Regina	2,577	86,819.25	3,060	1,128	208	1,519	205
Saskatoon	1,688	41,800.25	2,422	1,074	117	935	296
Yorkton	814	28,189	1,003	304	37	642	20
Worth	473	17,358	590				
Provincial Total	10,859	341,724	13,850	4,498	562	7,232	968

TABLE II

Period:	Number of Participants	Number of Community Service Hours Performed	Number of Fines Registered
1982/83	6,852	136,150	7,467
1983/84	10,229	233,795	10,508
1984/85	10,859	341,724	13,850

Source: FOP Journal Sheets

Apr/85
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Fine Option Program
Twelve Month Statistical Review
Page 2 of 2

Regional Breakdown of Table I

REGION	Dollar Value of Fines Registered	Dollar Value Worked Off Through Community Service	Dollar Value Of Incompletes	Percentage	* Man Days Saved NOT INCLUDING REMISSION
Moose Jaw	$ 180,490	$ 128,865	$ 51,625	28%	24,367.5
North Battleford	338,505	234,727	103,778	30%	23,299
Prince Albert	501,277	368,745	132,532	26%	73,018
Regina	503,422	360,428	142,994	28%	37,952
Saskatoon	343,265	177,872	165,393	48%	19,390
Yorkton	153,889	117,933	35,956	23%	16,463.5
North	99,212	82,376	16,836	17%	** Not available @ Present Time
Provincial Total	$2,120,060	$.1,470,946	$ 649,114	31%	194,490

* Assuming all days in Default to be served consecutively.

Number of Participants - Breakdown

	North	Moose Jaw	N. Battleford	P. Albert	Regina	Saskatoon	Yorkton	Total
Females	48	115	475	495	557	378	175	2,243
Males	425	784	1,492	1,946	2,020	1,310	639	8,616
Regional Total	473	899	1,967	2,441	2,577	1,688	814	10,859

The fine may be paid off in the combination of work and money; default at work will result in days imprisonment for the balance of the fine still owing. Fines of $1500 or more require "extra administrative control". The fine option agency, contracted by Corrections, is "responsible for the registering of the offender, selection of suitable work placement, accurate completion of documentation and ensuring that the fine option programme documentation is sent to the court on time... [and] the smooth operation of the fine option programme at the community level" (Procedure Manual, 1985: 8).

Administrative responsibility, then, is shared by both the government and the private sector. As noted by Schneider (1984: viii) the government wants to maintain a strong element of central authority and accountability, and in doing so has expanded into a more hierarchical structure. The private sector agencies are a network of community-based organizations concentrating on the decentralized operational administration and decision-making. They are structurally diverse and while the fine option agencies struggle to adapt to a particular community's needs, the overall operation and administration of the programme rests with Corrections and the guidelines it has developed.

In October 1983 the Saskatchewan government developed an institutional fine option programme in response to cost cutting demands. This served to provide an opportunity for those who had defaulted on fines, either because they were unwilling or unable

to enter the programme earlier, to work off the fine.

It was felt to be inappropriate to utilize secure correctional facility spaces for this group if other alternatives were available; and it was considered more beneficial for both the offender and the community for these offenders to be released on a temporary absence and assigned to do community service (Guenther, 1985:1). Corrections maintains this position although some court officials have suggested that having gone this far in the system they question the facts of the case; the individual may not warrant release.

The institutional programme is restricted to those offenders incarcerated solely for fine default when the amount of the fine does not exceed $1000. Criteria for the programme are:

1. There are to be no outstanding charges respecting indictable offences;
2. The offender does not present a known or undue threat to the community;
3. The offender must be physically and mentally able to do community work; and
4. He/she must not have failed previously under the institutional fine option programme.

The inmates who qualify are released on a rehabilitative temporary absence under the authority of S. 8 of the Prison and Reformatories Act (1977). The case will be reviewed at least every fifteen days and a new temporary absence issued if deemed appropriate.

Survey Results

As stated, the objectives of this phase of the project were to assess the attitudes of criminal justice personnel regarding adult alternatives to incarceration generally, as well as examine their opinions regarding particular programme categories, such as the fine option. Research in Saskatchewan provided the opportunity to speak with Provincial Court judges, prosecutors, community corrections administrators in Saskatchewan Justice, fine option coordinators and fine option agencies.

In reviewing the fine option programme it was noted that its 11 year history sided favourably with system-wide impressions. The introduction of the community service order programme two years ago brought with it more work for the community agencies which now administer both programme; similarities and differences are noted as follows.

The structure of the fine option alternative provides a good example of a programme in which the court has little or no authority regarding the individuals who become involved. Whether an offender registers for the programme is his or her own choice, the court is then notified. Whether the courts should have final approval of such a decision drew varied responses from those interviewed. There were generalizations to other programmes such as community service and attendance programmes although the division of responsibility (authority) in these

cases is not as clear. Many indicated that it would be administratively difficult, others indicated that unless the decision were made at sentencing it would merely clog up the courts needlessly later on. As one prosecutor stated, "many of the decisions could as easily be made by bureaucrats." On the other hand, it was also noted by some that it should definitely be considered; the authority of the court may otherwise be undermined.

The fine option was considered by some to be a true alternative to incarceration to the extent that, in default, the individual would go to jail. One prosecutor commented that it was not really a true alternative, stating that people should realize that many of the offenders would be on probation or conditional release.

Individuals in Corrections, more directly involved in alternatives, had mixed responses to whether fine option was a true alternative. Administrators in Corrections indicated initiatives by government to use alternatives as much as possible and to use incarceration as a last resort, therefore, in this context, a fine option was conceptualized as a true alternative. It was indicated that the community service order may be more of an alternative to incarceration because the type of offender on the programme was generally involved in a wider variety of offences or had a longer history of criminal involvement, thus, the programme was the last stop before jail. One government initiative which would tend to support the

responses suggesting the fine option is a true alternative and jail is the last resort is the recent foray into a post-warrant phase of the fine option, such as is operating in Manitoba. This would be the final opportunity for the offender to register in the programme at the point of imminent arrest. The warrant then would be held pending successful completion of the programme. A few experimental cases are being monitored very closely.

Individuals at the fine option agency level exhibited more caution and skepticism than other individuals in the process when discussing the programmes as true alternatives or potentially true alternatives. They indicate that some judges are expecting to use the programme and may be looking for community service work, (in cases of large fines given to people who "they should know" will not be able to pay). At the community level, as well as the level of the coordinators in corrections maintaining the community contact, the potential of operating a true alternative is met with more doubt than those further removed from the community.

Problems in the operation of the programmes presented to individuals at various points in the process, not surprisingly, failed to reach general agreement. There was, as noted earlier, no problem with acceptance of the general concept of community-based alternatives, the difficulty arose in sweeping generalizations and, often, misconceptions of the role and participation of community agencies. The administration and supervision of the programme by community agencies was seen as a

problem by some prosecutors and judges, with two prosecutors suggesting the administration may be more easily and efficiently handled by an 'authoritative body' (i.e., the Justice Department) than by the agencies. Individual respondents in Corrections acknowledged some typical problems in supervision although since the review in 1984, the situation has improved considerably. One problem they noted was reluctance of the courts (prosecutors and judges) to fully accept both the fine option and the community service order programmes, particularly the latter. In response, some prosecutors and one judge indicated a mistrust or hesitancy among the judiciary of the agencies operating the community service programme. The interesting note to make here is that these are the same agencies which operate the fine option programme, a programme which is well established and respected.

Special problems which were expressed by fine option/ community service coordinators and agencies were somewhat different. To a certain extent they may explain the dissatisfaction expressed at 'the front end' of the system. They noted: 1) difficulty in administering both the fine option and the CSO programmes; 2) getting sufficient community placements and <u>meaningful</u> work; 3) rapid growth; and 4) fee structure for placements. For these individuals it became apparent that there was a strong consensus that the present system of community agencies were stretched almost to capacity. The programme had grown substantially over the last few years and the agencies are

feeling the strain. There must be a realization earlier in the process that the community resources are finite and cases cannot continue to be taken if proper supervision is to be maintained. The coordinator in Saskatoon noted that judges were satisfied with the programme, however, given the factor of the seasonal nature of the programme flow of participants, agencies were having problems finding work placements. The placements are used for fine option, community service orders and offences under the Young Offenders Act. There is sometimes not enough work, the paperwork is often overwhelming, and despite the stream of offenders, there is minimal impact at the correctional centre.

These sentiments are echoed by the coordinators in Prince Albert and Regina-Qu'Appelle regions. In the three regions there is a "close working relationship" with the courts and the programmes appear to be operating well; or as an agency in Regina noted, "as good as can be expected but not as good as it could." The Prince Albert coordinator indicated that the programme was considering the possibility of creating their own work projects to overcome some of the difficulty in continually tracking down placements. Acknowledging the difficulty agencies have in providing "meaningful" work experience and dealing with the programmes administratively, the Regina-Qu'Appelle coordinators emphasized the necessity of a strong support system in the community. Now that they are more decentralized (since the 1984 review), they have been able to provide more concentrated assistance to specific districts. In the final

analysis both the fine option and the community service work programmes must be carefully monitored to ensure that the work provided the clients in the placements is meeting the criteria set out by government guidelines. At this time the programmes cannot be accused of taking jobs away from the community as some may suggest. However, there is concern at the community level that they may begin to encroach closer than the community prefer on placements in which they could become involved in unionized labour. The John Howard Society in Regina cautions, "It may come to be as we are obliged to expand given the number of people coming to the agency for work. We'll have to be very careful."

One may suggest that a fundamental question to deal with when discussing alternatives to incarceration, and specifically the fine option programme, is the universality of the programmes. When posed with the question of whether individuals with assets be made to pay the fine or given the option of doing community work or spending time in jail, all respondents indicated a preference for providing the choice. Universality is considered paramount, and on a more pragmatic level, some prosecutors and judges feel that there could be arguments raised if the programme were available to some offenders and not to all. Other respondents indicated that a means test would be "a nightmare" and create a larger bureaucracy. There may also be some difficulties with 'borderline' cases.

The following results indicate consensus with the concept of alternative programmes for adults, however, this consensus

quickly fades as one discusses the current practical application of the present programme, its direction and implementation for future initiatives.

In response to a question regarding the feasibility for adult programmes to be true alternatives to incarceration, there was unanimity among the respondents that the potential to achieve this existed, but doubts arose as to whether this was the case in practice. Prison was to be used as a last resort, some respondents said, and if viable community options were available they should be used. The issue of whether the programmes available are true alternatives or simply sentencing options for a judge is one which has been central to the field of alternatives for years. When asked whether they would advocate sentencing alternatives for offenders whom they would not normally send to jail, all respondents stated they would, despite their position that some of the programmes are true alternatives. It would be dependent upon the particular case. "If the individual's case were to be better served", "If there was evidence of a specific problem", an available programme would be used. One prosecutor indicated that the now defunct VORP in Regina was "used for that, garbage files that would normally receive conditional or absolute discharge." A judge corroborated this indicating that the programme was there and the agencies were calling for the courts to use the services.

The present range of alternatives for adults in Saskatchewan is seen by the majority of respondents as sufficient. There was

an overwhelming sense that the province should focus attention on what is presently available and develop these programmes. Stengthening and streamlining existing services may ensure that sentencing would not become diffuse resulting in programmes being underutilized and/or falling into disrepute, as one respondent suggested. Another respondent suggested that while Saskatchewan has been known as a leader in this area, the government could still be more aggressive in seeking alternatives, noting the recent Neilson Task Force recommendation that alternatives be used more effectively and extensively. Citing examples of individuals coming into contact with the system who may require other assistance, some individuals in the community agencies suggested that the reintroduction of mediation services, currently existing only in Saskatoon might serve this group. Expanding the present scope of restitution to restitution on kind from a cash only basis was also suggested, although it was acknowledged that it could result in a massive administrative migraine. All in all, the respondents were satisfied with the existing programmes and would recommend their maintenence and continued concentration.

There is an informal set of standardized equivalences between monies paid, community hours worked and time spent in jail in Saskatchewan, according to the Corrections Branch, although few knew of it or whether it is used by the courts. The Corrections Branch also suggested that some of the judiciary were reluctant to accept such a request for equivalences from

Corrections as they were concerned about being influenced by a government department. The need was not seen as explicit for a formal set of equivalences as it was felt that the discretion of the judge was appropriate here, in addition to concerns about judicial independence.

There was reluctance expressed in response to an inquiry about whether the respondents would support a plan allowing the offender to choose among a set of standardized equivalences, although some found this an interesting proposition. The prosecutors and judges who responded were not in favour of this choice, feeling that the decision was that of the presiding judge to make. They also favoured the informality of the existing system indicating that it was a necessary part of the process. Individuals administering programmes in Corrections were a little more open to the choice, although they tended to fall back on the traditional role of the presiding judge as being the ultimate decision-maker.

Other Alternatives

When the respondents were asked about specific programme categories, it became apparent very early in the interviews that judges and prosecutors were not that familiar with community-based alternative programmes other than for the cases involving breaches of probation which they later might have to deal with. When asked specific questions such as "Whether the

programme is a true alternative as it now operates?" or "Is the programme meeting the needs of the offender and/or the community?", many were clearly at a loss for information.

In the interviews conducted, the researchers were interested in opinions of criminal justice personnel regarding the availability of alternatives. Following logically from an inquiry into standardized equivalences and offender choice, the issue arose that if this were the case, would it require the alternatives to be available in every jurisdiction. This may be the best addressed in conjunction with a more broadly based issue of whether the availability of alternatives affects the equality provisions of the Charter of Rights. These discussions focussed very strongly on an economic and pragmatic argument of what are essentially seen as 'extras' in an overburdened system. Some respondents felt that the availability of programmes certainly raised questions which could result in Charter cases but they would boil down to money for implementation and facilities available in the community. Clearly this may result in inequity, according to some prosecutors and judges, but other factors must be considered.

It was questionable to a few whether it is feasible to set up all alternative programmes in a small or isolated community which may or may not be able to support the initiatives; or have the targetted population of a viable size on which to build a support structure. By way of example, a number of respondents noted the intermittent use of community service before the

programme had been formally implemented as well as its present use on an *ad hoc* basis in small or isolated communities where there is no formal system. It was felt that this may continue to be the case for some programmes. Few respondents felt that arguments based on the equality provisions of the Charter of Rights were strong enough to have much significance. What would be the alternative, they asked, if a case were upheld in court? Would it mean the elimination of existing programme if they were not available in all jurisdictions? The survey suggests the respondents feel something is certainly better than nothing.

When asked about the responsibility of judges to be aware of various attendance programmes in the community, a variety of responses were elicted from the individuals interviewed. Many felt that the judge should definitely be aware of the programmes, as should the lawyers. One judge, however, responded that it was not his job to sell the programme nor his responsibility once the case left his courtroom. The responsibility to be aware of the programme, for this respondent, did not include actively seeking the option. With regard to the likelihood of rehabilitation in a programme if participation was not voluntary, responses in Saskatchewan were similar to those of other provinces; that is, rehabilitation may occur through exposure. However, this would not be as likely if the participation were not voluntary.

The temporary absence programme was not favoured by prosecutors, it was seen as diminishing the authority of the

court and putting the administration of justice into disrepute. By way of example, prosecutors illustrated cases in which offenders were released much earlier than the court had sentenced. Other respondents had little to offer apart from remarking that the programme provided a good opportunity for the offender to be reintegrated into the community.

Prosecutors were more favourably disposed to the intermittent sentence and saw this, generally, as an indication from the judge that the offender would be more harshly treated on a straight sentence than other offenders. That is to say, the judge perceives that a straight sentence unduly interferes with the offender's status in the community (employment, family ties) and prefers the intermittent. This was confirmed by judges and agreed with by others interviewed.

In summary, the examination of alternatives to incarceration in Saskatchewan, with particular focus on the fine option programme, brought to light a number of issues which should be raised for further consideration. Some may be considered in a broader spectrum than that noted as 'fine option problems'. Similar conclusions were brought to light in other reports, including a recent report regarding the restitution programme in Saskatchewan (Nasim & Spelliscy, 1985).

The researchers realized in the early stages of this project that one difficulty they would have was defining the broad terms of reference given by the Commission. The definitional problem

is, however, a problem plaguing all the participants in the criminal justice system. It was noted in Saskatchewan that 'alternatives to incarceration' were identified on the one hand, as options available to the judiciary, and on the other hand as alternative measures used by the judiciary for those individuals who would normally be sent to jail. This is an indicator of one of the major problems facing community-based corrections. That is to say, "are the programmes presently operating in the community, additional options available for the judiciary to use for a variety of offenders, or are they true alternatives to incarceration?" A clear answer is not readily apparent from the research done in Saskatchewan. The programmes are seen as being available to those who may likely be sent to jail, thus are alternatives to some degree. However, many individuals registered in the programmes would not likely be sent to jail. The alternatives therefore appear to be used more and more as options available to a judge.

The driving force behind the development of alternatives in Saskatchewan appears to be motivated by financial restraint. Notwithstanding the establishment of a number of programmes, one should question the commitment of any government department which operates on the basis of budgetary constraint to develop initiatives in social services. One could argue that such services should not be so dependent upon "objectives" such as reduction of incarceration rates, given that these objectives are rarely met in community-based programmes. It may be unwise

to base the success of a community programme on this type of a correlation as there are numerous environmental factors to consider.

One consequence of using community programmes as additional options available to the court is a subsequent population explosion within those programmes. Additionally, there is often a relatively minor impact on institutional populations. The services delivered by the community agency are cutback to the point where the vast proportion of their energy goes to the administration of the programme and is taken from the supervision of a particular case. The concerns expressed by those at the community level in dealing with the fine option or community service programme is that the administration of the combination of programmes may be getting out of hand. The resources in the community may be unable to deal with the inflow, given present guidelines and objectives. One rather foreboding note from one of these individuals was that the community service orders are managable at this time, however, the figures are those similar to the first few years' operation of the fine option. Once it gained acceptance, "business flourished"; a supply and demand phenomemon.

It may be worth noting here, that if all the individuals involved in the alternative sentencing process were made aware of the special problems faced by each stage, some of this may be alleviated. A significant step to this end may thus be an improvement in the communication network from the beginning to

the end of the process. A glaring gap in this communication, in Saskatchewan, appears to come at the point of sentence. Very little was known by the judges and prosecutors about: 1) what happened to the case after sentence (barring a breach); 2) what services were available to the adult offender in the community; and 3) what the community agencies actually did or could do given the nature of the case.

Alternatives to incarceration in Saskatchewan are used to a great extent by justice personnel, however, little is known about alternatives by those persons who should be most aware.

INTERMITTENT SENTENCES, TEMPORARY ABSENCE PROGRAMME, ATTENDANCE PROGRAMMES AND COMMUNITY SERVICE ORDERS IN BRITISH COLUMBIA: ISSUES AND ATTITUDES

Background

Intermittent Sentences

The Task Force on Municipal Police Costs in British Columbia (Ross, Lister, Cumming & Gleason, 1978) cites difficulties such as arriving late, arriving intoxicated and instances where contraband was brought onto the premises. Problems also arise when inmates require special diets or medication. At the time of the Task Force report, intermittent sentences could be served in police detachment cells. The courts occasionally imposed an intermittent sentence without prior notice or enquiry regarding facilities in the detachment. This led to overcrowded conditions and a lack of proper exercise and hygiene facilities. Internal rules of provincial jails with respect to admission hours had also caused problems.

Some of the recommendations put forth by the Task Force were:

1. Intermittent sentences should be served in correctional facilities and community service orders should be encouraged where such facilities are not available. The RCMP and municipal police support intermittent sentences for certain

offences, as long as they are not served in detachment cells;

2. A probation order or recognizance should be mandatory as part of an intermittent sentence; and
3. The maximum time period of an intermittent sentence should be 30 days served on consecutive weekends (p. 386-387).

It was found that the majority of intermittent sentences are given for drinking driving offences, which is consistent with statements from Prince Edward Island and the results of the Ontario study by Crispino and Carey (1978).[1]

Currently, approximately 12% of the sentenced admissions to British Columbia institutions involved persons serving intermittent sentences. The *per diem* cost associated with this sentence cannot be readily separated from the total costs of operating institutions. There are, however, additional costs associated with these sentences. They include the costs related to:

- admission and release;
- increased supervision costs within the institutions;
- holding additional beds open and/or peak-loading resulting in overtime costs; and
- the release of persons serving continuous sentences on temporary absences to make space available for those serving intermittent sentences.

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[1]In Ontario, though, the proportion of persons convicted of liquor offences on intermittent sentences is significantly lower than that found in the general inmate population (p. 15).

Attendance Programmes

The possibility of setting up an impaired driving programme is currently being considered by an inter-ministerial committee. Interest has been focussed on the possibility of a programme by an earlier proposal.

Browning (1984: 64-65) notes three programmes for assaultive males in British Columbia, the most prominent, and long lasting, being the Vancouver therapy groups for assaultive males. The present programme began in June 1982, but was derived from experiments beginning in 1977. It involves therapy through discussion and confrontation and is aimed at providing the courts with a therapy group sentencing option. Its primary and priority referrals are court mandated clients.

Wachtel and Levens (1983) conducted an evaluation and found problems with the referral base and criteria used by the court (i.e., loss of some clients because of post conviction criteria in programme), as well as an uneven referral rate from probation offices. Procedural problems in the early stages included such concerns as the low number of clients referred by the court and the problems encountered when the stage of intervention was 'opened' after the initial flow.

Wormith & Borzecki (1985) in their survey of sex offender treatment programmes identify three treatment programmes in British Columbia offering a variety of treatments to target populations. The Regional Psychiatric Centre, in Abbottsford,

deals with all offenders in an intensive group psychotherapy regimen although a behavioural assessment is also included. This programme was seen as unique among the resident programmes in Canada. Its referral sources are from institutional psychologists and on a voluntary basis. The other programmes, in Campbell River and the University of British Columbia hospital, are attended voluntarily and by court and parole and probation board referrals. All are clinically based and internally oriented.

The Elizabeth Fry Society of British Columbia has been operating a counselling group service for shoplifters since 1972. It is based on the belief that in some instances the criminal act is symptomatic of a personal problem which may be ameliorated by counselling. Thus a reoccurrence may be prevented. The programme is intended to act as a complement to existing services of probation and diversion as well as to serve as a sentencing alternative to the courts.

Referrals come from a variety of individuals in the social services and the criminal justice network in the Lower Mainland. The shoplifting programme has an excellent reputation among criminal justice personnel and is used frequently by probation officers and other community agencies. All clients are screened to determine the need for intervention and the level of motivation to participate. Attendance may be either self-referred or voluntary pre-court diversion, or as a condition of probation or other court order.

The Corrections Branch assumed primary funding of the programme in the 1978/79 fiscal year, following a number of years of funding provided by a variety of organizations. The programme was originally established as a demonstration project jointly sponsored by Forensic Psychiatric Services and Elizabeth Fry. An evaluation was conducted in 1981 which focussed on recidivism, direct needs of offenders and on policy review. It was seen as being very successful in achieving its objectives. In a two-year follow-up, the evaluator indicated less than a 12% recidivism rate for related offences (Markwart, 1981).

The Corrections Branch operates six community correctional centres which house inmates who participate in community-based educational and work programmes. During 1984/85, $2,071,676 was spent on these centres. In addition, the Branch contracted three other community-based residential centres one of which has a special alcohol treatment programme. The cost of these three centres was $894,288.

A variety of daytime attendance and diversion programmes are provided through contracted services. These programmes are aimed at providing general counselling, drug and alcohol treatment and life and job skill improvement. A total of $2,902,473 was spent on these services. Of this total, $53,200 was specifically designated to daytime attendance contracts and $29,360 to alcohol and drug counselling contracts. Recruitment of clients for these programmes from probation offices (or through other criminal justice personnel) is sporadic, according to some

workers, although over the last few years many have become more aware and more confident in the services available. These programmes have both court mandated as well as voluntary clients.

Community Service Orders

In British Columbia, the Corrections Association Biannual Institute, as a result of a meeting in June 1970 became responsible for the development of community service as a sentencing alternative. Subsequently, the Department of the Attorney General requested a feasibility study and the recommendation which followed was that community service be developed on a pilot basis for both juveniles and adults. Staff were hired to manage these pilot projects in 1974/75 and later in 1975 the decision was made to expand the programme to all parts of the Province.

A March 1982 publication of the Ministry of the Attorney General in British Columbia indicated that the community service programme has two objectives. One being to provide the courts with additional sentencing options to those which are historically available. The second objective is to provide a direct tangible means for people to make amends to the community for violating its laws (Sandulak, 1982: xxv). This document attempts to define the community service order and does so in the following statement:

> Community service is defined as unpaid work directed toward the community as a whole or toward specific

> groups in the community who are in need of extra services. The work assists, benefits, improves or enhances the quality of life of community members (p. xxv).

In its recommendation for improvement in policy and procedures, that same monograph indicates community service should develop a philosophical statement establishing the order as both reparative and punitive. As well, it suggests that alternative objectives be specified as to the nature and justification of the programme. For example, in addition to the idea of service to the community, it was recommended that some alternatives should also be articulated for providing skill development and job training; development of feelings of self-worth; teaching life-skills and socialization; and exposing offenders to positive role models by contact with non-offender volunteers in placement personnel.

Community service orders form part of probation orders whether or not the probationer is required to report to a probation officer for the purpose of supervision. The caseload data or community service orders available from the automated provincial case file and manual systems are not at this time accurate enough to be relied upon. According to a special survey carried out in November 1984, about 15% of the average number of persons on probation were also completing community service orders; 1,386 people out of 9,450 on probation.

On April 1, 1984 the Community Service Placement Programme (CSPP) entered into a contractual agreement with the Vancouver

Region of the Corrections Branch. Sponsored by the British Columbia Criminal Justice Association (BCCJA), the CSPP operates under the concept that the completion of community service by offenders serves both as a deterrent and as reparation to the community.

Twelve placement supervisors are responsible for the placement of the offender and the supervision of the work. They are located throughout the communities of Powell River, Sechelt, Squamish, North and West Vancouver, Vancouver and Richmond. Community service is considered to be "a sentencing option, in addition to those historically available" (CSPP Pamphlet). An offender is referred to the CSPP as a result of a court order or diversion agreement. A similar agreement with Corrections is held by a community agency, Creative Community Placement, covering New Westminster and Burnaby in the Lower Mainland. These agencies serve as good examples of the manner in which the community service programme is delivered in the Province.

Nearly all community service orders are operated and supervised by private agencies working under contract to the Corrections Branch. Some costs are incurred by the probation services inasmuch as probation officers do supervise the community service orders in small locations where there are no contracted services. In addition, probation officers are responsible for the intake procedures, for referrals to the contracted services and for contract administration. Probation officers act as liaisons with the agencies and on occasion will

provide them with assistance in supervising the completion of community service orders. The cost of contracted services to supervise community service orders in British Columbia was $1,264,738.

Temporary Absence Programme

Temporary absence programmes are operated by the Corrections Branch from secure correctional centres, camps, community correctional centres, and community-based correctional centres. Most persons sentenced to custody that are housed in community correctional centres are released on temporary absence programmes. Of the persons accommodated in community-based residential centres which are not gazetted as correctional centres, 80% were on temporary absence releases, one percent on bail supervision, five percent on probation orders and 14% on parole during the fiscal year 1984/85.

In British Columbia, temporary absences are used to reduce the negative effects of imprisonment and to encourage inmates to accept some degree of personal responsibility with regard to self-maintenance, family support and restitution (Harrison, 1977).

A maximum five-day extraordinary leave may be granted to any inmate on emergency or compassionate grounds. The types of temporary absences available are employment, educational, medical and for participation in a total programme of community re-entry.

In addition to the cost of housing inmates, the Corrections Branch incurred costs related to the temporary absence programmes with respect to:

- admissions and release procedures;
- pre-release enquiries by probation officers and temporary absence supervision;
- finding community placements;
- inmate management/supervision within centres;
- keeping beds unoccupied for short-term releases; and
- the operation of specialized counselling programmes.

The branch has between seven and eight positions in the correctional centres allocated to the functions carried out by temporary absence coordinators. The expenditures related to the above functions and to the temporary absence coordinators are included in the operating costs of the correctional centres and probation services.

The aim of the Re-entry Programme is to restore the offender to full community participation (*Re-entry Program* - pamphlet). The applicants are carefully screened before selection and those who have committed serious crimes or have an extensive criminal record are excluded from the programme. Participants are supervised on a daily basis while in the community. While they are on the programme, offenders may reside in community correctional centres (run by the Corrections Branch) or in community-based residential centres (run by private agencies or organizations other than the Branch) which provide a more

'normal' environment.

Not only does the programme allow the community an opportunity to participate in corrections but the cost of keeping an offender on a temporary absence is much less than the cost of keeping this individual incarcerated. The programme benefits the offender in the sense that he/she can:

- maintain a job,
- develop good working habits,
- have some sense of normal daily living,
- support his/her family,
- pay off debts,
- make restitution,
- accumulate savings, and
- develop positive relationships and contacts with members of the community (*Re-entry Program* - pamphlet).

Other Alternatives

A proposal has been forwarded by a number of probation officers for an intensive supervision programme for high risk offenders. It is intended as a true alternative sentence in that the authority of the court will not be usurped by other players within the criminal justice system. Protection of the public is of primary concern, and the option is based on the pre-sentence report by the probation officer and the approval of everyone concerned in the investigation. The process would begin with a submission to the court for the offender to be placed on the

programme following which a pre-sentence report would be written to determine the suitability of the offender for the programme. Once agreement is reached, the individual would be escorted to jail then released within 48 hours on a temporary absence and subject to its conditions. The latter condition is to circumvent the problems which surface in dealing with the enforcement of a breach of probation. Following this, the individual would be subject to intensive supervision by probation officers assigned to the programme including *ad hoc* visitations to work or home to ensure adherence to the conditions of release, e.g., attend a community therapy programme. This is at an early proposal stage, however it may be worth pursuing if funding could be made available for its implementation. Since the last report, the proposal has received a great deal of positive feedback from the judiciary and the Crown, who have been looking for an intermediate sanction between jail and traditional probation. Approval has yet to be received from the Corrections Branch. Those initiating the proposal are cautiously optimistic but concerned about the funding problems.

The government has also examined proposals dealing with electronic monitoring of offenders. This alternative is not necessarily an alternative to incarceration *per se* but is to be operated on a temporary absence basis to reduce offender populations.

Survey Results

The feasibility for adult alternatives to be true alternatives to incarceration appears to be a well accepted ideal among the prosecutors, defence counsel and judges in B.C. although there is acknowledgment that the programmes are also used widely as sentencing options for the judiciary. As programmes in the community are developed so too are the options open to the presiding judge to sentence a particular offender. Most of the prosecutors indicated there was extensive use of diversion. A concerted effort was put forward on the part of the judiciary and attorneys to search for other ways to deal with the offender; "Serious crime or extensive record means jail, otherwise we look for other ways."

Coordinators of community programmes as well as individuals in probation acting as liaisons agree with the general premise of court officials surveyed that alternative programmes are good to have, although they are more skeptical than prosecutors about the programmes being used as true alternatives. Two probation officers indicated that many of the individuals doing community service would probably not have gone to jail. It was acknowledged jail was used in many cases only after the person had flouted previous conditions of probation. They would also support community programmes being used for individuals with special needs (drug/alcohol therapy; sex therapy) who would not likely go to jail; "I think we all agree that sometimes

community programmes are better all around".

There was little difficulty on the part of those interviewed to advocate community-based alternatives, although some, particularly prosecutors had problems identifying existing programmes. Generally the range of alternatives is seen as sufficient by prosecutors, community agencies and their liaisons although they expressed interest in the development of a fine option programme in B.C. As noted in the earlier report, this programme is not available in the province at this time, although it is once again being considered. One prosecutor also indicated a need for more programmes with specialized needs (wife batterers, alcohol/drug treatments). The lack of appropriate or effective treatment/therapy programmes was a salient issue for defence counsel and judges. They felt that greater resources need to be allocated to these types of rehabilitative options. In addition, programmes designed to benefit victims and work programmes for offenders were also mentioned. A couple of judges suggested adopting the suspended sentence option that is currently employed in the United States. Overall, the judges and defence attorneys were strongly in favour of broadening the range of programmes available. The difference between the response of the prosecutors and the other two primary court actors on this issue may be due to the greater inclination of the judges and defence to seek programmes to match the needs of offenders. Some prosecutors noted difficulty outlining the range of programmes because they were unclear of

the facilities, as stated, but also because of a lack of cohesion and visibility of these alternatives within the community.

Standardization in sentencing has been a contentious issue in Canada for a long time and it appears as if the information received from respondents in B.C. will not clarify the matter substantially. A few prosecutors suggested that some form of communication network be set up to assist those who would like to make use of the various resources. Some foresaw difficulties equating fines and community service hours with days in jail. Most suggested it would be difficult to standardize sentences because of the human element and individual nature of cases; others felt that standardization would assist judges with guidelines and help narrow the sentencing disparity. The three groups of court actors, on the whole, favoured the informality of the present process, or felt that the degree of formality which existed was enough. The discretion or flexibility in sentencing was a necessary factor to ensure equality. There was already existing, it seemed, an informal system of equivalences. Very few individuals favoured the suggestion that if a standardized set of equivalences was available that the offender should have the option to choose his/her punishment. It was noted that accuseds' wishes regarding sentence were expressed through the defence counsel, but that it should be up to the judge to determine the disposition.

Two prosecutors felt that legal cases involving the Charter of Rights were considered "trendy" and cases involving the availability or nonavailability of community alternative programmes would not face serious challenge in the courts. Some representatives of the sentencing process considered the cases very weak, others felt there may be some interest but not very serious. All respondents agreed that the availability of programmes in the community for adult offenders boiled down to arguments similar to those expressed elsewhere in Canada. The programmes would be dependent upon financial resources of the government and the community; the ability of community resources to support the programmes; and the numbers to justify the existence of a programme. Once again the respondents suggested that a lack of alternatives in certain jurisdictions should not prevent their use in others.

A number of programmes were examined in detail in B.C. including intermittent sentences, attendance programmes, temporary absences and community service orders. While a variety of opinions were expressed about these programmes, one issue remains of great interest to the researchers. As in other provinces approached, many respondents here noted that the alternative programmes are being used by the courts as sentencing options available for sentence and not as community alternatives for those who would normally be sent to jail. Prosecutors were generally unaware of community resources and did not feel qualified to comment.

Intermittent Sentences

Almost all of those interviewed felt that the courts should have the final approval as to whether an offender is given this disposition. Intermittent sentences are perceived to be true alternatives to incarceration for minor offences such as impaired driving, and occasionally, 'theft under'.

The intermittent sentence here seems to be well-known for resulting in the offender being sent home on a temporary absence because the correctional centre is full. Compounding this is a feeling in corrections that the sentence is difficult to administer and is received with mixed reviews by community corrections and institutional staff. Lower Mainland Regional Correctional Centre, for example, a provincial secure institution, essentially must keep one wing free for weekend intermittents; much needed space. Other problems mentioned were the lack of programmes for intermittents, and the fact that some offenders show up at the gates of the prison intoxicated, do not show up at all, or find someone else to serve their sentence. In some locations proper facilities are not available to accommodate intermittents. The majority of offenders receiving this sentence are impaired drivers and it was felt that persons convicted of other crimes could also benefit from an intermittent sentence. A few people recommended that the 90 day maximum restriction should be extended, but others were of the opinion that sentences approaching the 90 day limit were exceedingly taxing on the offender and it was often easier to

serve the time consecutively.

Intermittent sentences, despite this reputation, are seen as a good idea and everyone was in favour of maintaining it. The 'classic case' described for the sentence was that of the drinking driver. It was felt that the sentence was used by the judges as a method of allowing the offender to maintain a job, family ties and income rather than do straight time which is seen as more onerous. In addition, the judge would be ensuring that the minimum requirements outlined in the Criminal Code are met.

Attendance Programmes

Awareness of the availability of specific alternative programmes for adults in the community must be seen as crucial for both the utilization of the programme itself as well as the development of community-based alternatives. This is very important in a discussion of less visible attendance programmes in the community. What is apparent in this study is the lack of such awareness on the part of a number of justice officials. Many of the respondents felt the judiciary should be aware of the available community options. Similar to other provinces, many respondents in British Columbia indicated that the Bar should also be informed about alternatives. Judges should be able to combine the input from corrections (via pre-sentence reports), attorneys, and their own information so that a well-informed and suitable disposition is imposed. Several

prosecutors indicated that it would also be helpful to have resources available (a directory) to refer to when speaking to sentence. A directory of services is available in the Lower Mainland but does not appear to be utilized by this group of respondents. Coordinators, workers at the community programmes and a few court officials indicated that not only should a judge be aware but he/she must be aware of the available attendance programmes since he/she is giving the sentence. The majority of defence lawyers and judges interviewed felt that final approval as to whether the accused is place in an attendance programme resides with the courts, but a substantial minority stated that corrections could just as easily assume authority for this.

Few of the respondents were very optimistic about rehabilitation in an attendance programme if the offender did not participate voluntarily, or at least willingly. Respondents noted that if rehabilitation was to happen at all, voluntary participation or not, the individual should attend the programme. It may also serve as punishment, to some extent, if not voluntary. It was hoped that "something would result from the programme if the person attended".

Identifying problems with particular programmes varied, as expected, depending on the amount of contact the individual respondent had with the programme. Many questioned the effectiveness of treatment programmes and some felt that programmes should be tailored to meet the needs of the offender. There was general concern regarding the supervision of

attendance programmes as well as CSO and the difficulty of enforcing breaches of probation. One prosecutor felt that this was the major factor in rendering probation ineffectual.

Community Service Orders

Despite the problems of supervision, enforcement and locating suitable placements, court officials are not shying away from this alternative. The policy is that the programme is to be used where considered feasible. Staff at the community service agencies, and their liaisons in probation and in the police force felt the programme was working very successfully although some clients may well be better suited to a specialized therapy programme than community service. They could see no major problems with the administration and management of the programme at this time. The difficulty of obtaining suitable placements from community resources, which was a concern in Saskatchewan and Ontario, was not seen as a problem in the Lower Mainland. A complete evaluation of the community service programme has yet to be administered since the privatization process in 1984.

The community service programme appears to be well integrated into the community according to the placement staff and probation officers. While the prosecutors were reluctant to comment specifically, given their limited knowledge, they and the others interviewed did respond favourably to the existence of the programme and the necessity to use incarceration only for

those individuals who have demonstrably failed on community supervision as well as for those individuals who should be incarcerated for the protection of the public. The prosecutors and community agencies perceived, from their limited feedback at the community level, that the programme was favourably received. The judges and defence stated that the community's acceptance of the programme depended, to a large extent, on the nature of the offence the accused committed and the location of the placement. Others indicated that many individuals may simply be unaware of the programme because of its low visibility in the community.

An issue raised when community service work was initially proposed and continues to be a concern to many, is whether the programme takes jobs away from the community. There is little evidence here to suggest this. In fact, those involved in the programme are constantly aware of the potential for this to occur and are "very careful to ensure it does not". Some of the workers are diligent to "the point of paranoia" to ensure the overlap does not occur. However, evaluators and some of the judges and defence attorneys cautioned:

> There is little likelihood of community service expanding as fully as it might, or should, unless the unions allow more and interesting jobs to be done as a matter of course. There will be difficulties, too, once community service becomes a sanction in its own right and court orders of 1000 hours become much more common than present. In times of economic restraint and recession, the situation won't likely get better and maybe worse. That is what is holding up the real development and expansion of community service (Sandulak, 1982: 104).

At this point the community service is conducting placements through non-profit organizations as well as developing special projects for their clients. In the assessment of the client special needs are considered (handicapped persons, pregnant women) through special projects officers and the programme is developing well.

The warning by Sandulak (1982: 104), that adjustments may be necessary once the community service becomes a sanction in its own right is worth taking to heart. A programme now facing this dilemma is currently operating in Saskatchewan. Acting on a 1976 report from the Law Reform Commission, a suggestion was made regarding the community service order as a separate disposition rather than part of a probation order. The suggestion received mixed reaction, many preferring to take a 'wait and see' approach to what was considered a potential enforcement problem. The reluctance to consider this option occurs despite the existing enforcement problem with breaches of probation. The probation structure was seen as "handy" for enforcement purposes. A few respondents thought the development of a separate disposition may "clean up" the process and circumvent a few of the problems with breaches (Aasen, 1985). The Law Reform Commission stated that in default the court may impose another sanction appropriate for the original offence (1976: 24).

There was recognition by the members of the criminal justice system that temporary absences had their place as a reintegrative tool. There was overwhelming support for temporary absence releases to be the responsibility of corrections, since they are in a better position to determine suitability. A few stated that it provided a judicial sentencing check. These releases also give inmates the opportunity to contribute to, or benefit society, their families and themselves. For example, work releases provide the offender with some monetary independence.

However, in many cases the administration of the procedure was seen as excessive and had the potential to be abused which would ultimately bring the administration of justice into disrepute. In some cases there was a great deal of anger about such administration. Society's perception of dangerous offenders being released by corrections after an inordinately short period of incarceration is fed by sensationalized media reports. This lack of awareness regarding the use and procedures of temporary absences is extended to some members of the court. Attitudes regarding successful completion of temporary absences was often underestimated. Many felt that the screening procedures should be tightened, the control and monitoring of those released increased and the amount of discretion given to those in correctional administration limited. Some respondents felt that abuses of this process seriously diminished the authority of the

court. Whereas others maintained that the offender is still under sentence: "there is still a sword over his head if he screws up".

Fine Option

Most respondents were not well-informed (some having no knowledge at all) about this option. However, once the programme was explained, most persons questioned were of the opinion that fine options were reasonable alternatives for impecunious offenders; "people shouldn't be locked up just because they can't pay the fine". Such a process is costly in terms of prison accommodation. A number of judges and defence said that judges make inquiries at the time of sentence to determine the accused's ability to pay a fine. Some went further to state that if enough time was allowed, offenders should be able to pay. Those who do not make an effort, or refuse, should be jailed.

Restitution

This programme is received favourably and many thought its use should be increased. This sentence instills a sense of responsibility in an offender by bringing home to that person the human effects of his or her crime. Even though the victim, society and the offender are served, the programme is not without difficulties. First, there are not too many offenders who can afford to pay restitution and second, an agreement must be reached regarding payment.

The defence and judges were split as to whether victim impact statements should be used. Interviews with community agency people indicated that they viewed the use of these statements positively. Caution should be applied when such statements are introduced to the court to ensure that they are not used as a vehicle for revenge and only relevant victim information is included. The majority, however, noted that the prosecution already presents most of this information.

Victim/Offender Reconciliation Programmes

Again, lack of familiarity with the use of this programme was encountered. The narrow application of the programme as well as the perception that victims do not want to be reconciled with the offender are contributing factors to its relative obscurity.

In summary, the picture of sentencing as a funnelling process, whereby the offender passes through the range of alternative sentencing options before reaching a stage where incarceration is the only option, is an analogy depicted by the responses. Depending on the nature and the circumstances of the offence and the characteristics of the offender it was feasible for some, if not all, of the alternatives explored in the study to be used in lieu of jail.

Criminal court respondents felt that they were at a disadvantage when asked to express their views on the temporary absence programme because of their restricted involvement with

it. Yet they supported this programme as well as the intermittent sentence. Community service orders and attendance programmes (at least in theory), although favoured, were not viewed as highly in this province as in others.

SUMMARY OF THE HEADS OF CORRECTIONS QUESTIONNAIRE

In the first report recently completed for the Sentencing Commission, it was indicated that correctional administrators contacted in the course of the study raised doubts as to whether alternatives could acquire a more punitive nature if a just deserts model were implemented and if a table of equivalences were to be explicitly equated. For example, the number of CSO hours would be equated with number of dollars with sentence length of incarceration. This contrasted with field personnel who argued that no matter what the rationale to be used, just desert or rehabilitation, alternatives were of great value and were needed. However, the issue of continuance or not had not really be raised for the administrators, therefore, for the second report a more systematic attempt to discover an 'official' position was undertaken. A short three-question survey was mailed to all heads of provincial corrections and to the Head of Correctional Service of Canada, 13 in all. Nine responses were received. The first question posed was, should these types of alternative sentence programmes continue to be developed and promoted within the correctional systems of Canada (referring to CSO's, VORP's, restitution, fine option, TAP's, attendance, intermittents, and as well, to prison industries, which can be perceived of as an alternative to straight time). There was absolute agreement that they should continue to be developed. However, within this agreement, there was a range of opinion. A sample of responses includes the following:

Yes. However, they should clearly be alternatives to incarceration; otherwise they will simply increase the population "captured" by the criminal justice system.

Yes. Legislative authority should also be enacted to provide for such programmes.

The development of alternative sentencing programming contributes to long-term attitudinal changes in the mind of the public towards the justice system by promoting visible and socially productive sanctions for undesirable behaviour. They allow both the target groups, the victim group and the public-at-large to "buy in" to the system by active involvement. They offer a greater measure of cost effectiveness in correctional programming since they generally concern themselves with reparativeness as well as contributing to long-term social change and attitude adjustment.

Yes. Also expanded at a pre-court level.

Yes. The Ministry of Correctional Services considers community programme development of prime importance. It continues to expand such programmes and to examine potential variations as well as new community-based programmes of a social/correctional nature in an effort to provide balanced correctional service delivery.

The programmes identified should continue to be promoted and developed for the following reasons:

1. the concepts entailed in these programmes enshrine the principle of restraint;

2. the correction system may be able to approach a more economically rational level;

3. the system will be more humanized; and

4. programming effectiveness will be enhanced.

Generally Yes. However, costs/potential benefits to offender and system would have to be carefully considered.

The second question asked whether the alternative should be options available to the court directly in sentencing. Here opinion was more varied:

Yes. Although in order to ensure the situation mentioned above does not arise (overcrowding of jails), the number and type of offences for which an offender can be sentenced to imprisonment by the courts should be reduced at the same time.

Not all. Often information available to the court is not comprehensive enough to make these detailed decisions.

Restitution, community service orders, victim/offender reconciliation, attendance centres and intermittent sentences should be made available directly to the court.

Yes. The courts should have these alternatives available to them providing the Province has them available to them as sentencing alternatives.

As the range of options increases, the judiciary must rely on feedback from the correctional agency. Responsible sentencing practices will likely not allow this to happen on an *ad hoc* basis. Rather a person charged with responsibility to provide regular information to the court or the effectivenesss of correctional programming and the advantages and disadvantages of particular programmes. Probation officers or community correctional agencies have traditionally performed this task, but courts should be encouraged to develop their own information systems and mechanisms to retrieve relevant programming information.

No. One agency should oversee all sentencing programmes as a means of ensuring consistency of service to clients and the public.

Restitution, fine option, CSO, VORP, attendance, intermittent sentences should be available to the courts directly in sentences. Temporary absences and prison industries, however, are more appropriately administered by corrections' officials who need a certain level of discretion in case management.

Generally, yes. But victim/offender reconciliation and prison industries do not lend themselves to sentencing directly by the courts.

The issue of balance of control over the alternatives between the judiciary and the executive was the focus of a third question which elicited primarily an indication that the

executive (corrections) should be in control, however, there were some qualifications:

> These programmes should not be under judicial administration just as probation is not.
>
> Bureaucratic control. The administration of justice is a provincial responsibility.
>
> Sentencing alternative programmes may operate either under a bureaucratic or private sector model. Either one has advantages to offer the administration of programmes and neither is seen to be negative. Different problems and concerns result with the form of administration selected and basic programme objectives must be kept in mind when working through the related issues/problems. Judicial control is not seen as an appropriate delivery mechanism for alternative programmes.
>
> Bureaucratic control. Judges should judge; administrators should administrate.
>
> Control by correctional administrators. While the various parts of the justice system are not independent, their differing responsibilities must remain separate to ensure protection of the rights of individuals.
>
> Temporary absence and prison industry should be managed by corrections administrators.
>
> Most should be controlled administratively, but accountable to the courts i.e., restitution, community service, fine option and intermittent sentences. The others would appear to be more within a total administrative context.

Conclusions

Theory and Reality

One document that was submitted in addition to the heads of corrections' responses, represented a joint statement by the Heads of Corrections as published in July 1983, but also was supported by the current Commissioner of Correctional Services of Canada. The statement entitled "Incarceration: A Plea for Restraint" basically affirms the need for practical consideration of imprisonment and prison alternatives. Reference is made to a mythical city of incarcerative citizens comprised of all Canadians incarcerated at that time. The population would have been about the size of Prince Albert, Saskatchewan, or Orillia, Ontario (around 25,000). The concern which was voiced dealt with the dramatic growth of that city. If rates were to continue, it was predicted that in one year's time there would be a sufficient increase in the citizenry to require 3.25 new 400-man institutions at a cost of $180,000 to $200,000 per cell, or as much as $800 million per maximum security institution (p. 5).

It continues on to decry crowded conditions which require double bunking and stated that if the concept of incarceration as a last resort was to evolve from philosophic pronouncement to basic practice, there must be available alternative programmes. The problem was viewed as a system-wide issue not just one for corrections. One of the principles endorsed in the paper stated

that correctional services could not develop and function unless the community became involved in resolving conflict situations and assumed responsibility for its delinquent members: to this end correctional services must draw upon existing resources in the community (p. 8).

Further, it was clear the Heads of Corrections supported the use of imprisonment only for offenders committing a serious offence which endangered the life and personal security of others and the likelihood that he would commit another crime that would very seriously endanger the life or personal security of others in the near future. This was a position stemming from a concern for the most appropriate and effective use of resources: that incarceration was to be used on a highly selective basis, with alternatives to be used for non-violent property crimes. Such a policy, it was argued, can be implemented without neglecting the duty of the criminal justice system to protect the interests of society. This argument is echoed in the Nielsen Report's discussion on gating. It indicates that "...provisions to detain those relatively few demonstrably dangerous offenders in penitentiary until warrant expiry, regardless of any remission they may earn" should exist. The proposal (Bill C-67) is currently under consideration in Committee (p.289).

Therefore, we have an admittedly bureaucratic rationale arguing for alternatives for the non-violent. One of the problems, of course, with the rationale is that it relies upon

some determination or prediction of those to be incarcerated, who would be likely to commit a future serious offence. Even staunch abolitionists such as Claire Culhane, admit that a small proportion of offenders will undoubtedly have to be imprisoned, even in a basically prison-less society, because of their propencity to violent crime. But where is the instrument to be used in making that determination? It would be most difficult to reach a consensus of who would comprise the hardcore of offenders in need of selective incapacitation. The public's concern (Doob and Roberts, 1982) has been that offenders generally are released into the community on parole and mandatory supervision too early as it is; how can the protection of society issue be resolved with a proposal for incapacitating not necessarily offenders who have committed serious offences, but only those who have committed serious offences and are likely to do so again.

It has dramatically been shown that there is no reliable or valid predictive instrument for dangerousness (Webster, Dickens, Addario, 1984) or rather the only good predictor is the offender's past record of such behaviour. The question becomes one of public tolerance. Will citizens be willing to release the first time violent rapist into a community alternative programme because he has not yet indicated a pattern of violent behaviour? Doubtful.

The selling job for alternatives has to begin with educating the public and the judiciary about the desperate need for

decarceration. It is not clear a bureaucratic argument about expense or jail overcrowding will successfully sway them. What is needed is information on the success of alternatives to protect, not whether they succeed in the personal reformation of the offender in terms of his or her individual cognitive growth, resocialization or education, but in showing that offenders will not break and enter on a temporary absence, or not rob while completing a CSO. This information is not known at present. If it is to be demonstrated that institutions and community alternatives are equivalently successful at public safety, then the arguments about the cost effectiveness of the alternatives could be put forward effectively to a citizenry painfully aware of taxes and financial restraint.

But it was indicated in an earlier poll that the public would be happy to pay extra taxes to build additional prisons, even in light of decreasing support to social services. Therefore, the cost argument is not conclusive. The other aspect is admittedly one of retribution and the issue which started this discussion. Few view alternatives as equivalently punitive to incarceration and it is doubtful if even the unlikely reality of a 500 hour CSO disposition for a minor shoplifting offence would reverse that attitude. Because, as proven true of judges, at least, people appear to have two different cognitive sets for the two types of dispositions: alternatives are more lenient than incarceration (Jackson, 1982).

How would a just deserts model approach the problem any differently? For one thing, it suggests that agreement can be reached for equating offence with punishment. Discretion to release to alternatives could be controlled, which would be of more comfort to the public perceived by judges to be more conservative in their views about sentencing than the judges themselves. To a public, which generally speaking, considers judges to be too lenient, then legislated or agreed upon sentence length might be more acceptable than having individual (and human) judges deciding who might go back into the community rather than to jail. Another rationale, of course, is that put forward by the Nielsen Report, which suggested the Sentencing Commission develop guidelines to ensure that no further growth, or even a reduction, in the prison population occur.

It was reported in an additional correctional document entitled, C.S.C. Direction, 1984-89, that more conservative and punitive public attitudes will cause "an increase in new offender admissions and a decrease in parolee release ranks and changes in the sentence length distribution for offenders admitted to federal penitentiary" (1984: 9). This was an offender population forecast which projected growth for male on-register inmates to be approximately three percent per year for the next ten fiscal years. In light of the stranglehold of financial restraint which has informed such opinion as the Nielsen report, the criminal justice system has no choice but to seek alternatives to incarceration. It no longer is a debate as

to their effectiveness in terms of recidivism; they have to be utilized. The Nielsen report suggests that these alternatives serve as 'true' alternatives to incarceration in order to help cap the available prison bed space. But it appears that this policy would only affect the lower segment of the prison population. It has been argued that the short sentences of a CSO, for example, have been more an alternative to the fine, than an alternative to imprisonment (Chan and Zdenkowski, 1985: 11).

The public safety concern about alternatives, however, is not as easily rationalized away as the recidivism or 'true' alternative issues in an argument advocating the programmes. Offenders let out into the community as opposed to being imprisoned must not be, or be perceived to be, a danger. The C.S.C. document rightfully indicates that public opinion will influence future sentencing in corrections policy. This opinion is fairly easily determined. What has been missing are indicators of opinion from the various components of the system, since in order to present a sentencing package to the public, some consensus as to the goals and objectives of the package are necessary to sell it. Given that there exists an inherent and understandable tension between the judiciary and corrections, consensus is not to be presumed. Therefore, these varying opinions must be dealt with first before attempting to persuade the public of their cohesiveness, validity and reasonableness.

What are the Goals and Objectives?

First, some general observations on the current status of the process. It is now clear that penalties or sanctions which do not involve continuance, supervision and a prison setting have grown in Canada, while imprisonment has not declined noticeably. The predominant tendency is away from reliance on secondary social control in prisons and toward control of an individual's primary relations in society (Bottoms, 1983: 39). Within this area of secondary control we see pressures to displace control away from physical detention and toward police and probation forms of social surveillance. This surveillance has also been privatized to a great extent, not only with corrections, but with private security forces. It is not clear, how much more representative of 'community' these private sector agencies are than those run by the government, but it has formed part of the argument for their continuance (after the critical financial issue).

In addition, the claims of the victim have become profiled, which is inconsistent with a system emphasizing reformation of the offender. To satisfy the victim, retribution as a goal fits more closely with a just desert model, than a rehabilitative one.

CSO's as a development, logically evolve from the first trend of movement and control within the community; but they still adhere more to a rehabilitative focus on the offender's

positive attributes; he or she can work, can contribute to the community in a reparative manner. Reparation is benefitting a victim's needs as well, of course, but it is usually distanced and depersonalized with CSO's. Also, there is potential conflict with unions, which in times of severe unemployment is a sensitive issue for the public.

On the other hand, intensive probation supervision/ surveillance is geared more to control of the offender's shortcomings and failures. It is a more visual probation control option that satisfies the economic need for decarceration, but is obviously more punitive in nature than regular probation. CSO's view offenders as morally autonomous; intensive probation, or even regular probation, holds that view highly suspect.

If you have an evolution of the public's attitudes such as has occurred in contemporary times, which is supportive of calling upon, depending upon, and mobilizing official police services, rather than informal community care networks, the perceived need for victim support services is understandable (Bottoms, 1983: 44). In addition, the provision of unpaid offender labour in CSO's is reasonable (if no one in the community is volunteering) and fear of 'stranger' crime is recognized. Increased surveillance becomes one extreme of the community sanctioning control continuum, while attempts at mediation and informal settlement dispute is the other. All are reflected in the current continuing trend to alternatives and each can be seen to represent the conflicting dichotomy of

purposes, e.g., are attendance programmes a resource or a surveillance structure? However, what is emerging from the growing array of alternative programmes is the sense that whatever solutions are to be generated for the sentencing dilemma will come not from traditional mechanisms within the criminal justice system, but from without. Political and social consensus concerned with sanctioning, referred to above as a criminal justice sentencing package, will attempt to balance punishment, public safety, with physical restraint outside the closed institution (Hermann and Carey, 1985: 4).

Consequences of the Alternative's Movement: Unintended?

One immediate issue the movement to the 'outside' raises, is that energies, monies and accountability will become focused on the alternatives to the detriment of reforms and initiatives within the prison, the potential result of the discussed bifurcation of offenders such that the most violent and unmanageable individuals will be locked away and forgotten; not to mention the earlier problem noted as well, as to how to determine those individuals in the first place.

Community alternatives are supposed to represent a humanitarian move to reintegrate or deal with the offender in the 'good' community as opposed to the 'bad' institution. Community corrections funded, sponsored, monitored, and evaluated by the government represent the very same interests

and thinking which supposedly was destructive of the good community in the first place as well as the 'bad' institution (Chan and Zdenkowski, 1985: 80). And the 'privatized' community is equally suspect. How can it truly be said that a private business motivated to make money represents the traditional caring community? Nevertheless, privatization will continue because of fiscal pressures; it is, indeed, advocated in the Nielsen report. That report relates several issues about privatization. The fact that costs have traditionally been lower with alternatives because of lower overhead, wages and limited programming and staffing, is seen to be changing, considering pressures for increased accountability, isolated accidents, and an increased reluctance to deliver restricted service for low wages (1986: 291).

If the report is to be believed, the future holds greater promise for privatized programmes because of the increased competition that will ensue from the numbers of alternatives which will be generated. This too will ensure compliance to standards. But higher standards mean more costs. Finally, a good point concluding the topic was that another source of policy costs would stem from protecting former civil servants who lost their jobs when privatization took over their positions. Of course, funding for this remains the primary point. Anything is possible with money; private peniteniaries, for example.

The difficulty remains, however, that the whole presentation of alternatives as being informal, citizen supported, less

military than prisons, also adds to a 'blurring of boundaries' of the sanctioning process. Offenders can now be punished anywhere, anytime, on intermittents, TAP's, probation, CSO's, fine option. Chan and Zdenkowski correctly point out that alternatives have created uncertainties about the notions of voluntary or cohesive, formal or informal, locked up or free, guilt or innocence (1985: 73). Being sent to jail is a concrete removal from society; a 'we/they' mentality. Now that there is really no 'need' to lock up some offenders (primarily because of financial reasons), offenders become one with 'us' in the community. They are obviously not being punished as much in a time when punishment is perceived to be important for offenders. The decisions to release prisoners from parole are now much more visible and accountable in due process terms, but what about the CSO worker who decides to breach or not as is possible in British Columbia? Discretionary decision-making again rears its head in the criminal justice system. The theme continues. These decisions are not as visible or appealable and are much more diffuse and ubiquitous.

The policy problem again comes down to its definability. What is punishable for offenders, for example, is not as easily defined with a proliferation of alternatives, therefore, the difficulty with evolving a table of equivalences. What is 'community' is not that much more easily defined therefore, is a privatized programme a community one. But the most difficult question is who is to define what punishment means, or what form

it is to take: private, community or institutionalized?

Having reviewed these micro and macro level issues, we turn to a discussion of recommendations which have evolved from the two studies and the directions the alternatives are predicted to take.

Sentencing Objectives and Sentencing Programmes

The critical decision point in the existence of alternatives programmes has been reached. It is now necessary for a number of other questions to be determined before the programmes' future can be charted:

1. What theoretical model of sentencing and corrections is the Canadian criminal justice system to pursue? A just deserts model? Policy statements need to be formalized for all components, not just the judiciary.
2. Are we to have sentencing guidelines, that is, set dispositions for offence categories? If so, will there be a parallel development of a table of equivalences equating alternatives with incarceration, or will the alternatives serve as sentencing options?

A just deserts model would accept either direction for the alternatives, but if the first is to occur, a change in perceived image is necessary; from being lenient dispositions to being more punitive in nature. A change in image would not be necessary for the second direction, but it would be necessary to reduce the number and types of offences which are now in reality resulting in incarceration, i.e., a certain proportion of the nonviolent property offenders would not be incarcerated. However, the development of criteria to determine who would not be incarcerated would be required.

With these questions in mind, we will now consider the emerging issues in light of the survey results for the formulation of a number of recommendations.

As indicated in the first report to the Canadian Sentencing Commission there appears to be a trend toward the convergence of alternatives and to a confusing combination of programmes. For example, the indepth programme review for the present report identifies a fine option/community service programme in Saskatchewan. The stated objectives of these particular programme categories are clearly not the same. The subsequent mixture of them may tend to dilute the overall effectiveness of the combined programme. Additionally, the objectives may become muddled in the eyes of the community and the courts with a result being the placement of inappropriate clients. The economic advantage, often seen as an instigating factor, of combining two "similar" programmes may be ultimately undermined by the convergence of programmes with more than one agenda of sentencing or programme objectives.

Recommendation 1:

In the development of community-based sentencing programmes the objectives must be clearly stated, distinguishing themselves from existing programmes.

Recommendation 2:

The administrators of the programmes must be satisfied that the convergence of the programmes will not result in the confusion of sentencing objectives or the diluting of the original mandates of the separate programmes known to the courts.

Balance of Authority Between Courts and Sentence Administrators

Some feel that the authority of the court is to sentence and the authority of corrections is to administer the sentence. If this is the case, those involved in the process must not include in this dichotomy the provision that all information relating to each function be kept separately. Results of this study indicate that the participants in the process are satisfied with the court making an informed sentencing decision regarding the available options, and sentence administrators in corrections or the private sector carrying it out in a manner they see most reasonable.

Corrections should keep those involved in the sentencing procedure abreast of existing programmes and current developments. Conversely, or in addition, the court should develop an information base on alternatives. The ideal, of course, would be a court/corrections liaison, who maintained a current directory of the community programmes.

What has become clear in the study is a definite lack of awareness on the part of court officials regarding available alternatives. These individuals should take the responsibility of ensuring that the defendant receives the disposition most appropriate to the case through recommendations about alternatives available, based upon informed opinion about their functioning.

Recommendation 3:

The courts must remain in authority in alternatives sentencing. This means the court must be informed as to the available community-based alternatives to incarceration to ensure the judge has the necessary information in court to make an informed and clearly stated decision regarding sentence objectives and disposition.

There was a certain amount of discontent expressed by judges and prosecutors that corrections had diminished the court's authority with the use of temporary absences. It was felt that given all the evidence in court, the judge would be in the best position to make the sentencing length decision. Yet, shortly after the individual is jailed, he/she is released on a temporary absence. According to many court officials this brings the administration of justice into disrepute. Some of these concerns may be alleviated if there were liaisons between these components explaining the sentencing objectives of the court and the sentence administration by corrections. Many of the problems identified by this report have resulted from extended periods of little or no communication between the components of justice, resulting in the creation of negative stereotypic perceptions one of the other.

A frequent occurrence during the course of the interview survey, was the requirement for an explanation of a particular sentencing option. One alternative that consistently drew blank expressions, was the mention of a fine option programme. This was surprising considering all the provinces in which the

interviews took place either have a fine option programme or are considering one. Other alternatives with which the respondents were not well acquainted include temporary absences and victim/offender reconciliation programmes. It is necessary for corrections to communicate to members of the court (i.e., lawyers and judges) the available community-based options to allow the judge to make an informed and clearly stated decision regarding sentence objectives and dispositions.

Recommendation 4:

> **Regularly scheduled meetings between court officials and corrections personnel should be arranged to specifically discuss the parameters of authority in criminal justice administration, sentence objectives, and other issues in sentencing.**

Recommendation 5:

> **Additionally, feedback to the courts must be provided on a systematic basis about the outcome and effectiveness of the range of alternatives on a local level.**

The balance of authority between the courts and sentence administrators has taken on a new dimension in the past few years. This further emphasizes the importance of developing a clearer administrative procedure, assisted by the initiative of each criminal justice component to arrive at a mutually acceptable balance. One new dimension is the growing authority of well established private community-based programmes and their caseworkers. If the courts insist on using the programmes as sentencing options and not only for people who would normally be

in jail, this new force in the system must be reconciled with the existing forces. There appears to be a growing trend in British Columbia, for example, to give the community service workers more of this authority.

Recommendation 6:

> **The courts and corrections must develop a consistent procedure whereby the authority of the sentence administrators does not become weakened or diluted in light of a greater number of agencies involved in administration.**

Equivalences and Equity

The development of a set of equivalences to be used by the judiciary in imposing sentence may prove difficult for a number of reasons: it is unlikely to be popular with criminal justice personnel; it may be difficult to arrive at with respect to a consensus of appropriate standards; and it may ultimately be modified and personalized by the individual participants to a point where this discussion began.

In this report it has been noted that equivalency and equity related issues are overshadowed by concerns of economic viability and restraint. The best developments may occur without formalized guidelines if the sentencing objectives of the court are made clear at sentence, and the court is aware of, and willing to use the available alternative programmes in the community. The Task Force on Program Review (Nielsen Report)

(1986) recognized that:

> The quality of justice will become an increasingly important public issue in the years to come as rapid social and economic changes increasingly call into question the principle of equity and how it can be respected given the reality of finite resources and the rapidly growing tendency to substitute judicial for political authority (1986: 11).

Criminal justice personnel will have to accept these social and economic changes and adjust their perspectives accordingly, as they will also have to accept the limitations of a given community to provide the necessary resources. Both the judicial and political authority can be maintained through the collective conscience of the Bar if that conscience is raised to the level such that the focus of attention is broadened to a range of community options which, despite their operational and conceptual differences, may provide a sentence of "equal value" to individual offenders.

The reality of finite community resources in the discussion of the principle of equity is an important factor in the administration of justice. Having as many alternative sentencing programmes available as possible as sentencing option in one locale and not in another was of great concern to those individuals surveyed. A question of economic viability was brought up regarding areas where some programmes were absent. On the other hand, some local judiciary, in the case of fine option and community service took it upon themselves to create *ad hoc* work placements. Criminal justice personnel know all too well the conditions of economic restraint with which the system and

the country is faced and that, therefore, inequity may occur as a result of the economic condition.

Recommendation 7:

> **If community-based alternative programmes are to be considered viable sentencing alternatives for the judiciary to use there should be efforts made to ensure that these programmes are made available. A reassessment of the present commitment to incarceral and noncarceral alternatives must be made.**

Perceptions and Attitudes

Clearly, from the respondents surveyed, the suggestion that community-based programmes for adult offenders are alternatives to incarceration needs some discussion. Alternatives to incarceration are seen by participants in the system both as sentencing option additions as well as substitutes to traditional options. For the most part, alternatives to incarceration are not seen to be as severe as incarceration itself, thus, many of the individuals placed on an alternative programme would not normally be incarcerated.

This was illustrated to the researchers by various respondents surveyed. It was indicated that ideally there were in practice three general categories of case classifications: a) those in which a first offender is likely to be released with few, if any conditions, unless it is a serious crime, i.e., murder, arson etc.; b) those in which an offender charged has a short record and does not appear to be a problem would likely be

released to probation with conditions such as community service or attendance; and c) those cases in which an offender has committed a serious crime, or a multiple/chronic offender who has previously ignored conditions of probation and requires something more serious this time, goes to jail. Therefore the alternatives to incarceration, and incarceration itself, are not viewed as equivalent, but are on a sliding scale of seriousness; category (c) representing the most serious, incarceration; category (b) representing the less severe for which alternatives are assigned.

In light of this reality, one needs to scrutinize the logic behind alternatives as 'true' alternatives in a just deserts model. If the argument is that there are a large percentage of non-violent property offenders who do not 'need' to be incarcerated (who are neither serious offenders or repeating offenders) but arein jail, why would they have been incarcerated? It must be for either retribution, deterrence or incapacitation purposes. If alternatives are to be true alternatives, they should, then, serve these same purposes.

In speaking with police representatives in Vancouver, at least, their view is that the alternatives neither deter, punish, nor incapacitate, therefore, why should the programme be offered up as a true alternative? The police, of course, must deal with the numbers of defendants who do recidivate while on alternative dispositions, so the issue is more highly profiled for them. The alternatives do alleviate crowded jails, and they

are perceived as more humane. However, they also were not perceived to be as punishing or retributive as incarceration by most of the respondents. Therefore, the question remains, can they serve as 'true' alternatives?

What must start happening is that those numbers of offenders in categories (a) and (b) who apparently are being jailed in practice when not necessary, should be reduced.

Recommendation 8:

> **As alternatives are expanding, the number and kinds of offences which result in imprisonment should be diminishing.**

In a just deserts model, this is theoretically possible, especially if there is an accompanying table of equivalences recognized, informally or formally.

Similar pre-sentence level recommendations have been made; those have dealt specifically with changes in classification and transfer procedures (Solicitor General, 1984: 85), but it is felt that only with entry level changes can any real impact be made. Reforms at the release level present more complications,

> Once they're in, it's hard to get them out; once they've been in, they're soon back.

But it was suggested, for example, that some types of offenders might be released sooner than is presently the case. Sex offenders, who represent approximately seven percent of Canadian Federal inmates, might be parolable with the assistance of an alternative House type programme, such as exists in Albuquerque,

New Mexico (1984: 130).

The direction in which an organization moves and the speed at which it advances depends upon a number of personal and environmental factors. The reserve of financial and physical resources, especially in a period of economic restraint, is a very salient factor. But perhaps, the motivation and philosophical orientation of the personnel has a greater impact on the organization's subsequent direction. The extent to which the criminal justice system develops sentencing alternatives in the community may be primarily for economic reasons, however, the continued support and development is more likely to arise from a deeper commitment to humanizing the sentencing process.

There are a number of points to consider if the apparent pressures to the community (d'Ombrain, 1986; Heads of Corrections, 1983) become stronger. First, are the community support structures, for the range of alternatives being considered, able to handle the demands? Unreasonable demands placed on one particular community for the sake of being able to report the existence of a programme seriously undermines the programme itself and may lead to its hasty demise. Second, and perhaps more important, is the community willing to support alternatives in the community? Acceptance of community-based alternatives to incarceration tends to waver considerably depending upon the size of the community; the political and social climate; and the types of programmes proposed. Third, inquiries must be made as to the intent of the programme

initiatives and the sentencing objectives the general public would like to see fulfilled. Fourth, active participation should be sought from the community regarding the feasibility and ongoing development of sentencing alternatives through an educative purpose.

Accepting the principles of community-based alternatives requires a clear understanding of their purposes and objectives. As this report has documented, it is apparent that this understanding is not clear. Some individuals referred to community-based programmes would not normally have been facing incarceration, therefore, an understanding of alternatives as involving an individual "getting off" may not be accurate.

Recommendation 9:

> **Federal and Provincial governments should actively undertake initiatives to educate both the individuals in the justice system as well as the general public regarding the social and economic issues involved in sentencing alternatives.**

If the alternatives are to take on a more punitive image for a 'true' alternative objective, an active reeducation process will be necessary; a difficult task, but necessary. Cognitive sets would have to change. The media would be a source to solicit for assistance in this regard.

There must be a realization in the community that the "alternatives" are "options" and their value to the community, both intrinsically and financially, is far greater than the

value to the community provided by the incarceration of an individual. If the alternatives are going to continue (as is almost universally agreed upon in the survey results), the government must seriously consider its funding commitment. Equity issues are relevant here as well.

Recommendation 10:

> **If the principles of community-based alternatives are accepted, then the development and maintenance of community support structures is imperative. Additional funding must be allocated to these structures at a proportional rate to which they are growing.**

Directions of Alternatives: The Crystal Ball Approach

The current directions indicated from our two-report survey seem to be toward the continued development of the alternatives, although rarely as 'true' alternatives. The exceptions would be programmes such as fine/CSO options, intensive probation supervision, and the electronic monitoring of offenders. It is doubtful, however, that electronic monitoring will be a widespread development because of costs, Charter concerns, and public perceptions and fears. Additionally, there are some more innovative programmes being considered such as an initiative for elderly offenders in Ontario.

* Whatever directions are taken, changes in policy must resolve the questions opening this section first. Additionally, these reforms should be done incrementally and by consensus, in light of the Young Offenders' Act backlash and experiences in the States in which lack of consensus or unawareness of the policy reform led to documented failure of the goals.

* Privatization will remain with us, given the support of the Nielsen Report and the financial realities of the day. But along with that growth, a parallel determination of standards for monitoring and accountability must be established. At the same time, the traditional institutional standards must not be neglected.

* Finally, it is clear that we need more research about the effectiveness of alternative programmes in their capability of keeping the community safe from offenders released to them, in order to sell the programmes to the public. In addition, the true costs required for their proper functioning determined.

Policy Epilogue

Reference was made in the introduction to the nature of the policy analysis being attempted. A point which was noted, was that the results have to take into account the varying perspectives identifying the problem as a policy issue. Policy analysis is not simply a scientific and technical process; it is also a social and political process (Dunn, 1981: 355).

The way information is gathered must consider the 'scope and intensity' of interaction amongst the stake holders. The manner in which the information is finally utilized is determined by the nature and types of interaction in the many stages of the policy-making process. The interactive nature of policy analysis is in fact quite appropriate for a study examining sentencing policy such as alternatives programming because of the consideration made to this context of the environmental forces. Important policy issues in the criminal justice system, are not straightforward; they are muddied by ill-definition and multiple

variables.

An interesting case example illustrates the necessity for policy analytic techniques. The VORP's initiatives in Ontario began to develop in the late 1970's under a conservative government which was more sympathetic with offender programmes than victim needs. Very few programmes have actually thrived since then, with the notable exception of the one in Kitchener Waterloo. Its success seems related to local factors, such as a supportive community made up of a contingent of Mennonites and other interested local citizenry. But it did survive there because of that support. Now, however, with the implementation of the Young Offenders Act, an increased national profiling of victim impact statements, and a change in the Ontario government, VORP's have experienced a renewed interest. Even so, according to corrections administrators, there is still not going to be a province-wide push for VORP's development until more data is available on offender outcome. For example, a preliminary study conducted on the Pickering VORP's was not conclusive in that regard.

Therefore, we see that a simple policy initiative for an alternatives' programme must survive many forces: fiscal, political, local and national. Not only the purposes, but the consequences of these initiatives vary according to this interactive dynamic. What we have essentially undertaken in the present study was an assessment of the functioning of existing alternative programmes and policies. The Sentencing Commission

is now faced with a prospective assimilation of many other similar retrospective studies in an attempt to determine what will happen and what should be done.

Policy is only possible when human decision-makers make judgments about the desirability of altering some problematic situation. It is, therefore, socially 'constructed, maintained, and changed'. Consensus on the present topic will not be possible given the inherent number of competing values and goals; a judicious and holistic weighting of perspectives is necessary. It is hoped that we have provided an indication of the 'scope and intensity' of these perspectives with regard to the alternatives. Whether or not they will ultimately be considered true alternatives or sentencing options, the programmes have introduced a new dimension to sentencing in corrections. Their future awaits policy direction.

APPENDIX A

Number of Respondents Interviewed by Province

Respondents	P.E.I.	Ontario	Sask.	B.C.
Provincial Judges	1	2	3	6
Crown Attorneys	1	1	4	5
Defence Lawyers	2	1	-	8
Police Officers	2	1	-	3
Community	1	-	4	7

APPENDIX B

Interview Questions

General

1. Do you believe it is feasible for adult alternative programs to be true alternatives to incarceration?
   Would you advocate sentence alternatives for offenders whom judges would not normally send to jail?

2. Is the range of alternative programming for adults too broad or too narrow i.e., can some be collapsed or eliminated or do some need expansion?

3. Is there a need for a standardized set of equivalences between monies paid, community work hours/units and time spent in jail?
   If this is the case, would you support a plan that allows the offender to choose between equivalences?
   If yes, does this require that these alternatives be available in every jurisdiction?

4. How does the availability/nonavailability of alternatives affect the equality for all provisions of the Charter of Rights (section 15)?

Specific

1. Should the courts have final approval as to whether the offender is placed on _____?

2. Is the program a true alternative as it now operates?
   Does it have the potential to become a true alternative?

3. What special problems does the operation of the program present to you?
   What improvements would you recommend?

4. Is the program meeting the needs of the offender and/or the community i.e., do you consider _____ to be a good program?

Intermittent Sentence

1. How favourably is this program perceived by agents of the criminal justice system?

2. Is the intermittent sentence a method used by judges to circumvent mandatory Criminal Code provisions for imprisonment?

Attendance Programs

1. Should it be the responsibility of judges to be aware of the various attendance programs available in the community for adult offenders?

2. Do you believe that rehabilitation is likely to occur if participation is not voluntary? If no, then what sentence objectives can justify compulsory participation in an attendance program?

Community Service Order

1. There is the argument that persons on Community Service Orders take jobs away from citizens in the community.
   How do you feel about this issue?

2. Are there any contingencies made for offenders with special needs (e.g., handicapped, persons with pre-school age children, pregnant women etc.)?

3. Do you think the public is in favour of having an offender placed in the community to repay his/her debt to society?

4. Should the community service order be a separate disposition i.e., not attached to a probation order?

Temporary Absence

1. Does the use of the temporary absence program (e.g., release to community-based therapy) diminish the authority of the court?

Fine Option

1. Should persons with assets be made to pay the fine or should they have the option of doing community work or spending time in jail in lieu of the fine?

2. Should indigent persons be jailed for non-payment?

Restitution and Victim/offender Reconciliation Programs

1. Is the criminal court the appropriate arena for this procedure or could it be better handled by civil procedures?

2. Should victim impact statements be used when determining a restitution order or a victim/offender reconciliation?

Appendix C

SIMON FRASER UNIVERSITY

FACULTY OF ARTS
SCHOOL OF CRIMINOLOGY

BURNABY, BRITISH COLUMBIA
CANADA V5A 1S6
Telephone: (604) 291-3213

January 31, 1986

Most of you will already know of the contract which the Canadian Sentencing Commission has established with the Institute for Studies in Criminal Justice Policy. Just before Christmas, Judge Archambault sent a letter to all Deputy Ministers responsible for justice matters identifying the terms of reference for this contract.

Basically the project is an attempt to gather informed opinion and evaluative responses from across Canada with regard to the following categories of programming:

> Restitution, fine option, community service order, victim/offender reconciliation, temporary absence, attendance, intermittent sentences and prison industries

Each of these program "types" represents (at least potentially) an alternative option available to the court in sentencing.

It would be of interest to us to know how the heads of corrections perceive the value of alternative dispositions or alternative sentencing programs of the types listed above. It is the intention of the project to gather some detailed information on these program types as they are practiced in your jurisdiction and with regard to any possible plans for program implementation.

It would be of great assistance to us to know your response to three questions (see attached sheet):

1. Should these types of alternative sentencing programs continue to be developed and promoted within the correctional systems of Canada?
2. Should these alternatives be options available to the court directly in sentencing (some already are)?
3. Should these programs be under judicial or bureaucratic control for purposes of administration?

Return to: Dr. Margaret Jackson
School of Criminology
Simon Fraser University
Burnaby, B.C. V5A 1S6

A wide, range of alternative dispositions and sentencing programs have emerged in Canada in recent years. Please briefly address the questions below in a general consideration of these types of programs: restitution, fine option, community service order, victim/offender reconciliation, temporary absence, attendance, intermittent sentences and prison industries.

1. Should these types of alternative sentencing programs continue to be developed and promoted within the correctional systems of Canada?

2. Should these alternatives be options available to the court directly in sentencing (some already are)?

3. Should these programs be under judicial or bureaucratic control for purposes of administration?

It is not necessary to amplify on your answers, although if you wish to provide any explanation for your opinions, it would be appreciated.

Thank you for your assistance.

Sincerely

John W. Ekstedt, Ph.D.
Director
Institute for Studies in
Criminal Justice Policies

att.

FINE OPTION PROGRAM

April 1, 1985 to September 30, 1985

SIX MONTH STATISTICAL REVIEW

TABLE I

REGION	Number of Participants	Number of Community Service HOurs Performed	Number of Fines Registered	CC	Fed. Acts	Prov. Acts	Municipal
Moose Jaw	359	12,720.5	508	137	25	271	75
North Battleford	690	22,716.5	968	268	36	639	25
Prince Albert	957	38,541	1,342	368	25	843	106
Regina-Qu'Appelle	808	25,014.25	1,046	327	39	602	78
Saskatoon	895	22,242	1,242	568	39	507	128
Yorkton	304	10,825	384	112	15	254	3
North	279	11,898	337	---	150	180	7
Provincial Total	4,292	143,957.25	5,827	1,780	329	3,296	422

Oct/85
lm

Fine Option Program
Six Month Statistical Review
Page 2 of 2

Regional Breakdown of Table I

REGION	Dollar Value of Fines Registered	Dollar Value Worked Off Through Community Services	Dollar Value of Incompletes	Percentage	*Man Days Saved NOT INCLUDING REMISSION
Moose Jaw	$ 78,288	54,867	$ 23,421	30%	10,847
North Battleford	133,589	86,611	46,978	35%	8,893
Prince Albert	217,652.62	162,113.62	55,539	26%	38,541
Regina-Qu'Appelle	162,089	107,328	54,761	34%	12,887.5
Saskatoon	189,977	95,076	94,901	50%	10,509.5
Yorkton	63,577	45,347	18,230	29%	5,647.5
North	63,915	52,328.76	11,586.24	18%	Not Available at this time.
Provincial Total	909,087.62	603,671.38	305,416.24	34%	87,325.5

* Assuming all days in Default to be served consecutively.

Number of Participants - Breakdown

	North	Moose Jaw	N. Battleford	P. Albert	Regina	Saskatoon	Yorkton	Total
Females	40	43	195	220	171	199	67	935
Males	239	316	495	737	637	696	237	3,357
Regional Total	279	359	690	957	808	895	304	4,292

APPENDIX E

PRINCE EDWARD ISLAND PROGRAMME COSTS: SUMMARY INFORMATION 1984/85

Institutional

$2,270,000 custodial services
- 1 correctional centre
- 2 jails
- 62 staff

Community

$315,000 community supervision
- 6 probation officers
- 3 secretarial support staff

plus $40,000 for headquarters administration
no contracts to private agencies

Incarceral and Community Admissions Statistics: 1984/85

Sentenced admissions to jail: 1,046

Probation admissions (excluding parole): 501

APPENDIX E (continued)

PROGRAMME ADMISSIONS

1985

	Admissions	Number of hours	Amount Paid
C.S.O.*	365	23,040	$11,325

1984

	Admissions	Number of People
Temporary Absence Passes**	104	94

1982

	Admissions	Amount Ordered
Restitution	269	$87,300.00

* Approximate figures

**Excludes escorted releases
Includes Christmas temporary absences

APPENDIX E (continued)

ONTARIO PROGRAMME COSTS: SUMMARY INFORMATION 1984/85

Institutional

- $190.8 million for MCS government operated
- $7 million for CRC facilities which are a purchased service

Community

- $25.8 million for probation and parole services maintained in-house
- $5.6 million contracts for CSO's, fine option programme, etc.

Incarceral and Community Admissions Statistics: 1984/85

Sentenced admissions to jail: 49,682

Probation admissions (excluding parole): 30,053

APPENDIX E (continued)

PROGRAMME ADMISSIONS

	Admissions
RESTITUTION PROGRAMS	
Contract	6,126
In-House	336
Total	6,462
FINE OPTION PROJECTS	580*
COMMUNITY SERVICE ORDERS	
Contract	7,786
In-House	882
Total	8,668
VORP	
Contract	64
In-House	173
Total	237
TEMPORARY ABSENCE PASSES**	18,128
CRC's (Sub-Sampling TAP's)	2,493
INTERMITTENT SENTENCES	Not Available
PRISON INDUSTRY***	

* From two sites involved in pilot project

** Includes: academic, vocational, employment 1-5 days, 6-15 days, recurring, CRC transfers

*** Not easily available - would include those on industrial TAP's, as well as fully incarcerated inmates working within the "walls".

APPENDIX E (continued)

BRITISH COLUMBIA PROGRAMME COSTS: SUMMARY INFORMATION 1984/85

Institutional

$51.1 million custodial services

Community

$3.6 million community supervision

plus $2.8 million for headquarters administration central staff and regional offices

Incarceral and Community Admissions Statistics: 1984/85

Sentenced admissions to jail: 13,770

Probation admissions (excluding parole): 13,940

APPENDIX E (continued)

PROGRAMME ADMISSIONS

	Admissions
RESTITUTION PROGRAMS	Not Available
FINE OPTION PROJECTS	Not Applicable
COMMUNITY SERVICE ORDERS	
Contract	1,386
In-House	nil
Total	1,386
VORP	
Contract	174
In-House	nil
Total	174
TEMPORARY ABSENCE PASSES*	4,477
CRC's (Sub-Sampling TAP's)	983
INTERMITTENT SENTENCES	Not Available
PRISON INDUSTRY**	

* Includes: academic, vocational, employment 1-5 days, 6-15 days, recurring, CRC transfers

** Not easily available - would include those on industrial TAP's, as well as fully incarcerated inmates working within the "walls".

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